

1 AN ACT to revise the law by combining multiple enactments
2 and making technical corrections.

3 Be it enacted by the People of the State of Illinois,
4 represented in the General Assembly:

5 Section 1. Nature of this Act.

6 (a) This Act may be cited as the First 2001 General
7 Revisory Act.

8 (b) This Act is not intended to make any substantive
9 change in the law. It reconciles conflicts that have arisen
10 from multiple amendments and enactments and makes technical
11 corrections and revisions in the law.

12 This Act revises and, where appropriate, renumbers
13 certain Sections that have been added or amended by more than
14 one Public Act. In certain cases in which a repealed Act or
15 Section has been replaced with a successor law, this Act
16 incorporates amendments to the repealed Act or Section into
17 the successor law. This Act also corrects errors, revises
18 cross-references, and deletes obsolete text.

19 (c) In this Act, the reference at the end of each
20 amended Section indicates the sources in the Session Laws of
21 Illinois that were used in the preparation of the text of
22 that Section. The text of the Section included in this Act
23 is intended to reconcile the different versions of the
24 Section found in the Public Acts included in the list of
25 sources, but may not include other versions of the Section to
26 be found in Public Acts not included in the list of sources.
27 The list of sources is not a part of the text of the Section.

28 (d) Public Acts 91-001 through 91-937 were considered in
29 the preparation of the combining revisories included in this
30 Act. Many of those combining revisories contain no striking
31 or underscoring because no additional changes are being made
32 in the material that is being combined.

1 Section 5. The Regulatory Sunset Act is amended by
2 changing Sections 4.10, 4.20, and 4.21 as follows:

3 (5 ILCS 80/4.10) (from Ch. 127, par. 1904.10)

4 Sec. 4.10. The following Acts are repealed December 31,
5 1999:

6 The Fire Equipment Distributor and Employee Regulation
7 Act.

8 The Land Sales Registration Act of 1989.

9 (Source: P.A. 91-91, eff. 7-9-99; 91-92, eff. 7-9-99; 91-132,
10 eff. 7-16-99; 91-133, eff. 7-16-99; 91-245, eff. 12-31-99;
11 91-255, eff. 12-30-99; revised 11-9-99.)

12 (5 ILCS 80/4.20)

13 Sec. 4.20. ~~Acts~~ Act repealed on January 1, 2010 ~~December~~
14 ~~31,--2009~~. The following Acts are ~~Act-is~~ repealed on January
15 1, 2010 ~~December-31,--2009~~:

16 The Auction License Act.

17 The Illinois Architecture Practice Act of 1989.

18 The Illinois Landscape Architecture Act of 1989.

19 The Illinois Professional Land Surveyor Act of 1989.

20 The Land Sales Registration Act of 1999.

21 The ~~Illinois~~ Orthotics, Prosthetics, and Pedorthics
22 Practice Act.

23 The Perfusionist Practice Act.

24 The Professional Engineering Practice Act of 1989.

25 The Real Estate License Act of 2000.

26 The Structural Engineering Practice Act of 1989.

27 (Source: P.A. 91-91, eff. 7-9-99; 91-92, eff. 7-9-99; 91-132,
28 eff. 7-16-99; 91-133, eff. 7-16-99; 91-245, eff. 12-31-99;
29 91-255, eff. 12-30-99; 91-338, eff. 12-30-99; 91-580, eff.
30 1-1-00; 91-590, eff. 1-1-00; 91-603, eff. 1-1-00; revised
31 12-10-99.)

1 (5 ILCS 80/4.21)

2 Sec. 4.21. Acts ~~Act~~ repealed on January 1, 2011. The
3 following Acts are ~~Act-is~~ repealed on January 1, 2011:

4 The Fire Equipment Distributor and Employee Regulation
5 Act of 2000.

6 The Radiation Protection Act of 1990.

7 (Source: P.A. 91-752, eff. 6-2-00; 91-835, eff. 6-16-00;
8 revised 9-1-00.)

9 Section 6.5. The Illinois Administrative Procedure Act
10 is amended by changing Section 10-50 as follows:

11 (5 ILCS 100/10-50) (from Ch. 127, par. 1010-50)

12 Sec. 10-50. Decisions and orders.

13 (a) A final decision or order adverse to a party (other
14 than the agency) in a contested case shall be in writing or
15 stated in the record. A final decision shall include
16 findings of fact and conclusions of law, separately stated.
17 Findings of fact, if set forth in statutory language, shall
18 be accompanied by a concise and explicit statement of the
19 underlying facts supporting the findings. If, in accordance
20 with agency rules, a party submitted proposed findings of
21 fact, the decision shall include a ruling upon each proposed
22 finding. Parties or their agents appointed to receive
23 service of process shall be notified either personally or by
24 registered or certified mail of any decision or order. Upon
25 request a copy of the decision or order shall be delivered or
26 mailed forthwith to each party and to his attorney of record.

27 (b) All agency orders shall specify whether they are
28 final and subject to the Administrative Review Law.

29 (c) A decision by any agency in a contested case under
30 this Act shall be void unless the proceedings are conducted
31 in compliance with the provisions of this Act relating to
32 contested cases, except to the extent those provisions are

1 waived under Section 10-70 ~~10-75~~ and except to the extent the
2 agency has adopted its own rules for contested cases as
3 authorized in Section 1-5.

4 (Source: P.A. 87-823; revised 2-24-00.)

5 Section 7. The Freedom of Information Act is amended by
6 changing Section 7 as follows:

7 (5 ILCS 140/7) (from Ch. 116, par. 207)

8 Sec. 7. Exemptions.

9 (1) The following shall be exempt from inspection and
10 copying:

11 (a) Information specifically prohibited from
12 disclosure by federal or State law or rules and
13 regulations adopted under federal or State law.

14 (b) Information that, if disclosed, would
15 constitute a clearly unwarranted invasion of personal
16 privacy, unless the disclosure is consented to in writing
17 by the individual subjects of the information. The
18 disclosure of information that bears on the public duties
19 of public employees and officials shall not be considered
20 an invasion of personal privacy. Information exempted
21 under this subsection (b) shall include but is not
22 limited to:

23 (i) files and personal information maintained
24 with respect to clients, patients, residents,
25 students or other individuals receiving social,
26 medical, educational, vocational, financial,
27 supervisory or custodial care or services directly
28 or indirectly from federal agencies or public
29 bodies;

30 (ii) personnel files and personal information
31 maintained with respect to employees, appointees or
32 elected officials of any public body or applicants

1 for those positions;

2 (iii) files and personal information
3 maintained with respect to any applicant, registrant
4 or licensee by any public body cooperating with or
5 engaged in professional or occupational
6 registration, licensure or discipline;

7 (iv) information required of any taxpayer in
8 connection with the assessment or collection of any
9 tax unless disclosure is otherwise required by State
10 statute; and

11 (v) information revealing the identity of
12 persons who file complaints with or provide
13 information to administrative, investigative, law
14 enforcement or penal agencies; provided, however,
15 that identification of witnesses to traffic
16 accidents, traffic accident reports, and rescue
17 reports may be provided by agencies of local
18 government, except in a case for which a criminal
19 investigation is ongoing, without constituting a
20 clearly unwarranted per se invasion of personal
21 privacy under this subsection.

22 (c) Records compiled by any public body for
23 administrative enforcement proceedings and any law
24 enforcement or correctional agency for law enforcement
25 purposes or for internal matters of a public body, but
26 only to the extent that disclosure would:

27 (i) interfere with pending or actually and
28 reasonably contemplated law enforcement proceedings
29 conducted by any law enforcement or correctional
30 agency;

31 (ii) interfere with pending administrative
32 enforcement proceedings conducted by any public
33 body;

34 (iii) deprive a person of a fair trial or an

1 impartial hearing;

2 (iv) unavoidably disclose the identity of a
3 confidential source or confidential information
4 furnished only by the confidential source;

5 (v) disclose unique or specialized
6 investigative techniques other than those generally
7 used and known or disclose internal documents of
8 correctional agencies related to detection,
9 observation or investigation of incidents of crime
10 or misconduct;

11 (vi) constitute an invasion of personal
12 privacy under subsection (b) of this Section;

13 (vii) endanger the life or physical safety of
14 law enforcement personnel or any other person; or

15 (viii) obstruct an ongoing criminal
16 investigation.

17 (d) Criminal history record information maintained
18 by State or local criminal justice agencies, except the
19 following which shall be open for public inspection and
20 copying:

21 (i) chronologically maintained arrest
22 information, such as traditional arrest logs or
23 blotters;

24 (ii) the name of a person in the custody of a
25 law enforcement agency and the charges for which
26 that person is being held;

27 (iii) court records that are public;

28 (iv) records that are otherwise available
29 under State or local law; or

30 (v) records in which the requesting party is
31 the individual identified, except as provided under
32 part (vii) of paragraph (c) of subsection (1) of
33 this Section.

34 "Criminal history record information" means data

1 identifiable to an individual and consisting of
2 descriptions or notations of arrests, detentions,
3 indictments, informations, pre-trial proceedings, trials,
4 or other formal events in the criminal justice system or
5 descriptions or notations of criminal charges (including
6 criminal violations of local municipal ordinances) and
7 the nature of any disposition arising therefrom,
8 including sentencing, court or correctional supervision,
9 rehabilitation and release. The term does not apply to
10 statistical records and reports in which individuals are
11 not identified and from which their identities are not
12 ascertainable, or to information that is for criminal
13 investigative or intelligence purposes.

14 (e) Records that relate to or affect the security
15 of correctional institutions and detention facilities.

16 (f) Preliminary drafts, notes, recommendations,
17 memoranda and other records in which opinions are
18 expressed, or policies or actions are formulated, except
19 that a specific record or relevant portion of a record
20 shall not be exempt when the record is publicly cited and
21 identified by the head of the public body. The exemption
22 provided in this paragraph (f) extends to all those
23 records of officers and agencies of the General Assembly
24 that pertain to the preparation of legislative documents.

25 (g) Trade secrets and commercial or financial
26 information obtained from a person or business where the
27 trade secrets or information are proprietary, privileged
28 or confidential, or where disclosure of the trade secrets
29 or information may cause competitive harm, including all
30 information determined to be confidential under Section
31 4002 of the Technology Advancement and Development Act.
32 Nothing contained in this paragraph (g) shall be
33 construed to prevent a person or business from consenting
34 to disclosure.

1 (h) Proposals and bids for any contract, grant, or
2 agreement, including information which if it were
3 disclosed would frustrate procurement or give an
4 advantage to any person proposing to enter into a
5 contractor agreement with the body, until an award or
6 final selection is made. Information prepared by or for
7 the body in preparation of a bid solicitation shall be
8 exempt until an award or final selection is made.

9 (i) Valuable formulae, designs, drawings and
10 research data obtained or produced by any public body
11 when disclosure could reasonably be expected to produce
12 private gain or public loss.

13 (j) Test questions, scoring keys and other
14 examination data used to administer an academic
15 examination or determined the qualifications of an
16 applicant for a license or employment.

17 (k) Architects' plans and engineers' technical
18 submissions for projects not constructed or developed in
19 whole or in part with public funds and for projects
20 constructed or developed with public funds, to the extent
21 that disclosure would compromise security.

22 (l) Library circulation and order records
23 identifying library users with specific materials.

24 (m) Minutes of meetings of public bodies closed to
25 the public as provided in the Open Meetings Act until the
26 public body makes the minutes available to the public
27 under Section 2.06 of the Open Meetings Act.

28 (n) Communications between a public body and an
29 attorney or auditor representing the public body that
30 would not be subject to discovery in litigation, and
31 materials prepared or compiled by or for a public body in
32 anticipation of a criminal, civil or administrative
33 proceeding upon the request of an attorney advising the
34 public body, and materials prepared or compiled with

1 respect to internal audits of public bodies.

2 (o) Information received by a primary or secondary
3 school, college or university under its procedures for
4 the evaluation of faculty members by their academic
5 peers.

6 (p) Administrative or technical information
7 associated with automated data processing operations,
8 including but not limited to software, operating
9 protocols, computer program abstracts, file layouts,
10 source listings, object modules, load modules, user
11 guides, documentation pertaining to all logical and
12 physical design of computerized systems, employee
13 manuals, and any other information that, if disclosed,
14 would jeopardize the security of the system or its data
15 or the security of materials exempt under this Section.

16 (q) Documents or materials relating to collective
17 negotiating matters between public bodies and their
18 employees or representatives, except that any final
19 contract or agreement shall be subject to inspection and
20 copying.

21 (r) Drafts, notes, recommendations and memoranda
22 pertaining to the financing and marketing transactions of
23 the public body. The records of ownership, registration,
24 transfer, and exchange of municipal debt obligations, and
25 of persons to whom payment with respect to these
26 obligations is made.

27 (s) The records, documents and information relating
28 to real estate purchase negotiations until those
29 negotiations have been completed or otherwise terminated.
30 With regard to a parcel involved in a pending or actually
31 and reasonably contemplated eminent domain proceeding
32 under Article VII of the Code of Civil Procedure,
33 records, documents and information relating to that
34 parcel shall be exempt except as may be allowed under

1 discovery rules adopted by the Illinois Supreme Court.
2 The records, documents and information relating to a real
3 estate sale shall be exempt until a sale is consummated.

4 (t) Any and all proprietary information and records
5 related to the operation of an intergovernmental risk
6 management association or self-insurance pool or jointly
7 self-administered health and accident cooperative or
8 pool.

9 (u) Information concerning a university's
10 adjudication of student or employee grievance or
11 disciplinary cases, to the extent that disclosure would
12 reveal the identity of the student or employee and
13 information concerning any public body's adjudication of
14 student or employee grievances or disciplinary cases,
15 except for the final outcome of the cases.

16 (v) Course materials or research materials used by
17 faculty members.

18 (w) Information related solely to the internal
19 personnel rules and practices of a public body.

20 (x) Information contained in or related to
21 examination, operating, or condition reports prepared by,
22 on behalf of, or for the use of a public body responsible
23 for the regulation or supervision of financial
24 institutions or insurance companies, unless disclosure is
25 otherwise required by State law.

26 (y) Information the disclosure of which is
27 restricted under Section 5-108 of the Public Utilities
28 Act.

29 (z) Manuals or instruction to staff that relate to
30 establishment or collection of liability for any State
31 tax or that relate to investigations by a public body to
32 determine violation of any criminal law.

33 (aa) Applications, related documents, and medical
34 records received by the Experimental Organ

1 Transplantation Procedures Board and any and all
2 documents or other records prepared by the Experimental
3 Organ Transplantation Procedures Board or its staff
4 relating to applications it has received.

5 (bb) Insurance or self insurance (including any
6 intergovernmental risk management association or self
7 insurance pool) claims, loss or risk management
8 information, records, data, advice or communications.

9 (cc) Information and records held by the Department
10 of Public Health and its authorized representatives
11 relating to known or suspected cases of sexually
12 transmissible disease or any information the disclosure
13 of which is restricted under the Illinois Sexually
14 Transmissible Disease Control Act.

15 (dd) Information the disclosure of which is
16 exempted under Section 30 of the Radon Industry Licensing
17 Act.

18 (ee) Firm performance evaluations under Section 55
19 of the Architectural, Engineering, and Land Surveying
20 Qualifications Based Selection Act.

21 (ff) Security portions of system safety program
22 plans, investigation reports, surveys, schedules, lists,
23 data, or information compiled, collected, or prepared by
24 or for the Regional Transportation Authority under
25 Section 2.11 of the Regional Transportation Authority Act
26 or the State of Missouri under the Bi-State Transit
27 Safety Act.

28 (gg) Information the disclosure of which is
29 restricted and exempted under Section 50 of the Illinois
30 Prepaid Tuition Act.

31 (hh) Information the disclosure of which is
32 exempted under Section 80 of the State Gift Ban Act.

33 (ii) Beginning July 1, 1999, information that would
34 disclose or might lead to the disclosure of secret or

1 confidential information, codes, algorithms, programs, or
2 private keys intended to be used to create electronic or
3 digital signatures under the Electronic Commerce Security
4 Act.

5 (jj) Information contained in a local emergency
6 energy plan submitted to a municipality in accordance
7 with a local emergency energy plan ordinance that is
8 adopted under Section 11-21.5-5 of the Illinois Municipal
9 Code.

10 (kk) ~~(jj)~~ Information and data concerning the
11 distribution of surcharge moneys collected and remitted
12 by wireless carriers under the Wireless Emergency
13 Telephone Safety Act.

14 (2) This Section does not authorize withholding of
15 information or limit the availability of records to the
16 public, except as stated in this Section or otherwise
17 provided in this Act.

18 (Source: P.A. 90-262, eff. 7-30-97; 90-273, eff. 7-30-97;
19 90-546, eff. 12-1-97; 90-655, eff. 7-30-98; 90-737, eff.
20 1-1-99; 90-759, eff. 7-1-99; 91-137, eff. 7-16-99; 91-357,
21 eff. 7-29-99; 91-660, eff. 12-22-99; revised 1-17-00.)

22 Section 8. The State Records Act is amended by changing
23 Section 4a as follows:

24 (5 ILCS 160/4a)

25 Sec. 4a. Arrest reports.

26 (a) When an individual is arrested, the following
27 information must be made available to the news media for
28 inspection and copying:

29 (1) Information that identifies the individual
30 ~~person~~, including the name, age, address, and photograph,
31 when and if available.

32 (2) Information detailing any charges relating to

1 the arrest.

2 (3) The time and location of the arrest.

3 (4) The name of the investigating or arresting law
4 enforcement agency.

5 (5) If the individual is incarcerated, the amount
6 of any bail or bond.

7 (6) If the individual is incarcerated, the time and
8 date that the individual was received, discharged, or
9 transferred from the arresting agency's custody.

10 (b) The information required by this Section must be
11 made available to the news media for inspection and copying
12 as soon as practicable, but in no event shall the time period
13 exceed 72 hours from the arrest. The information described
14 in paragraphs (3), (4), (5), and (6) ~~37--47--57--and--6~~ of
15 subsection (a), however, may be withheld if it is determined
16 that disclosure would:

17 (1) interfere with pending or actually and
18 reasonably contemplated law enforcement proceedings
19 conducted by any law enforcement or correctional agency;

20 (2) endanger the life or physical safety of law
21 enforcement or correctional personnel or any other
22 person; or

23 (3) compromise the security of any correctional
24 facility.

25 (c) For the purposes of this Section, the term "news
26 media" means personnel of a newspaper or other periodical
27 issued at regular intervals, a news service, a radio station,
28 a television station, a community antenna television service,
29 or a person or corporation engaged in making news reels or
30 other motion picture news for public showing.

31 (d) Each law enforcement or correctional agency may
32 charge fees for arrest records, but in no instance may the
33 fee exceed the actual cost of copying and reproduction. The
34 fees may not include the cost of the labor used to reproduce

1 the arrest record.

2 (e) The provisions of this Section do not supersede the
3 confidentiality provisions for arrest records of the Juvenile
4 Court Act of 1987.

5 (Source: P.A. 91-309, eff. 7-29-99; revised 11-3-99.)

6 Section 9. The State Employees Group Insurance Act of
7 1971 is amended by changing Sections 3 and 10 and by changing
8 and renumbering multiple versions of Section 6.12 as follows:

9 (5 ILCS 375/3) (from Ch. 127, par. 523)

10 Sec. 3. Definitions. Unless the context otherwise
11 requires, the following words and phrases as used in this Act
12 shall have the following meanings. The Department may define
13 these and other words and phrases separately for the purpose
14 of implementing specific programs providing benefits under
15 this Act.

16 (a) "Administrative service organization" means any
17 person, firm or corporation experienced in the handling of
18 claims which is fully qualified, financially sound and
19 capable of meeting the service requirements of a contract of
20 administration executed with the Department.

21 (b) "Annuitant" means (1) an employee who retires, or
22 has retired, on or after January 1, 1966 on an immediate
23 annuity under the provisions of Articles 2, 14, 15 (including
24 an employee who has retired under the optional retirement
25 program established under Section 15-158.2), paragraphs (2),
26 (3), or (5) of Section 16-106, or Article 18 of the Illinois
27 Pension Code; (2) any person who was receiving group
28 insurance coverage under this Act as of March 31, 1978 by
29 reason of his status as an annuitant, even though the annuity
30 in relation to which such coverage was provided is a
31 proportional annuity based on less than the minimum period of
32 service required for a retirement annuity in the system

1 involved; (3) any person not otherwise covered by this Act
2 who has retired as a participating member under Article 2 of
3 the Illinois Pension Code but is ineligible for the
4 retirement annuity under Section 2-119 of the Illinois
5 Pension Code; (4) the spouse of any person who is receiving a
6 retirement annuity under Article 18 of the Illinois Pension
7 Code and who is covered under a group health insurance
8 program sponsored by a governmental employer other than the
9 State of Illinois and who has irrevocably elected to waive
10 his or her coverage under this Act and to have his or her
11 spouse considered as the "annuitant" under this Act and not
12 as a "dependent"; or (5) an employee who retires, or has
13 retired, from a qualified position, as determined according
14 to rules promulgated by the Director, under a qualified local
15 government or a qualified rehabilitation facility or a
16 qualified domestic violence shelter or service. (For
17 definition of "retired employee", see (p) post).

18 (b-5) "New SERS annuitant" means a person who, on or
19 after January 1, 1998, becomes an annuitant, as defined in
20 subsection (b), by virtue of beginning to receive a
21 retirement annuity under Article 14 of the Illinois Pension
22 Code, and is eligible to participate in the basic program of
23 group health benefits provided for annuitants under this Act.

24 (b-6) "New SURS annuitant" means a person who (1) on or
25 after January 1, 1998, becomes an annuitant, as defined in
26 subsection (b), by virtue of beginning to receive a
27 retirement annuity under Article 15 of the Illinois Pension
28 Code, (2) has not made the election authorized under Section
29 15-135.1 of the Illinois Pension Code, and (3) is eligible to
30 participate in the basic program of group health benefits
31 provided for annuitants under this Act.

32 (b-7) "New TRS State annuitant" means a person who, on
33 or after July 1, 1998, becomes an annuitant, as defined in
34 subsection (b), by virtue of beginning to receive a

1 retirement annuity under Article 16 of the Illinois Pension
2 Code based on service as a teacher as defined in paragraph
3 (2), (3), or (5) of Section 16-106 of that Code, and is
4 eligible to participate in the basic program of group health
5 benefits provided for annuitants under this Act.

6 (c) "Carrier" means (1) an insurance company, a
7 corporation organized under the Limited Health Service
8 Organization Act or the Voluntary Health Services Plan Act, a
9 partnership, or other nongovernmental organization, which is
10 authorized to do group life or group health insurance
11 business in Illinois, or (2) the State of Illinois as a
12 self-insurer.

13 (d) "Compensation" means salary or wages payable on a
14 regular payroll by the State Treasurer on a warrant of the
15 State Comptroller out of any State, trust or federal fund, or
16 by the Governor of the State through a disbursing officer of
17 the State out of a trust or out of federal funds, or by any
18 Department out of State, trust, federal or other funds held
19 by the State Treasurer or the Department, to any person for
20 personal services currently performed, and ordinary or
21 accidental disability benefits under Articles 2, 14, 15
22 (including ordinary or accidental disability benefits under
23 the optional retirement program established under Section
24 15-158.2), paragraphs (2), (3), or (5) of Section 16-106, or
25 Article 18 of the Illinois Pension Code, for disability
26 incurred after January 1, 1966, or benefits payable under the
27 Workers' Compensation or Occupational Diseases Act or
28 benefits payable under a sick pay plan established in
29 accordance with Section 36 of the State Finance Act.
30 "Compensation" also means salary or wages paid to an employee
31 of any qualified local government or qualified rehabilitation
32 facility or a qualified domestic violence shelter or service.

33 (e) "Commission" means the State Employees Group
34 Insurance Advisory Commission authorized by this Act.

1 Commencing July 1, 1984, "Commission" as used in this Act
2 means the Illinois Economic and Fiscal Commission as
3 established by the Legislative Commission Reorganization Act
4 of 1984.

5 (f) "Contributory", when referred to as contributory
6 coverage, shall mean optional coverages or benefits elected
7 by the member toward the cost of which such member makes
8 contribution, or which are funded in whole or in part through
9 the acceptance of a reduction in earnings or the foregoing of
10 an increase in earnings by an employee, as distinguished from
11 noncontributory coverage or benefits which are paid entirely
12 by the State of Illinois without reduction of the member's
13 salary.

14 (g) "Department" means any department, institution,
15 board, commission, officer, court or any agency of the State
16 government receiving appropriations and having power to
17 certify payrolls to the Comptroller authorizing payments of
18 salary and wages against such appropriations as are made by
19 the General Assembly from any State fund, or against trust
20 funds held by the State Treasurer and includes boards of
21 trustees of the retirement systems created by Articles 2, 14,
22 15, 16 and 18 of the Illinois Pension Code. "Department"
23 also includes the Illinois Comprehensive Health Insurance
24 Board, the Board of Examiners established under the Illinois
25 Public Accounting Act, and the Illinois Rural Bond Bank.

26 (h) "Dependent", when the term is used in the context of
27 the health and life plan, means a member's spouse and any
28 unmarried child (1) from birth to age 19 including an adopted
29 child, a child who lives with the member from the time of the
30 filing of a petition for adoption until entry of an order of
31 adoption, a stepchild or recognized child who lives with the
32 member in a parent-child relationship, or a child who lives
33 with the member if such member is a court appointed guardian
34 of the child, or (2) age 19 to 23 enrolled as a full-time

1 student in any accredited school, financially dependent upon
2 the member, and eligible to be claimed as a dependent for
3 income tax purposes, or (3) age 19 or over who is mentally or
4 physically handicapped. For the health plan only, the term
5 "dependent" also includes any person enrolled prior to the
6 effective date of this Section who is dependent upon the
7 member to the extent that the member may claim such person as
8 a dependent for income tax deduction purposes; no other such
9 person may be enrolled.

10 (i) "Director" means the Director of the Illinois
11 Department of Central Management Services.

12 (j) "Eligibility period" means the period of time a
13 member has to elect enrollment in programs or to select
14 benefits without regard to age, sex or health.

15 (k) "Employee" means and includes each officer or
16 employee in the service of a department who (1) receives his
17 compensation for service rendered to the department on a
18 warrant issued pursuant to a payroll certified by a
19 department or on a warrant or check issued and drawn by a
20 department upon a trust, federal or other fund or on a
21 warrant issued pursuant to a payroll certified by an elected
22 or duly appointed officer of the State or who receives
23 payment of the performance of personal services on a warrant
24 issued pursuant to a payroll certified by a Department and
25 drawn by the Comptroller upon the State Treasurer against
26 appropriations made by the General Assembly from any fund or
27 against trust funds held by the State Treasurer, and (2) is
28 employed full-time or part-time in a position normally
29 requiring actual performance of duty during not less than 1/2
30 of a normal work period, as established by the Director in
31 cooperation with each department, except that persons elected
32 by popular vote will be considered employees during the
33 entire term for which they are elected regardless of hours
34 devoted to the service of the State, and (3) except that

1 "employee" does not include any person who is not eligible by
2 reason of such person's employment to participate in one of
3 the State retirement systems under Articles 2, 14, 15 (either
4 the regular Article 15 system or the optional retirement
5 program established under Section 15-158.2) or 18, or under
6 paragraph (2), (3), or (5) of Section 16-106, of the Illinois
7 Pension Code, but such term does include persons who are
8 employed during the 6 month qualifying period under Article
9 14 of the Illinois Pension Code. Such term also includes any
10 person who (1) after January 1, 1966, is receiving ordinary
11 or accidental disability benefits under Articles 2, 14, 15
12 (including ordinary or accidental disability benefits under
13 the optional retirement program established under Section
14 15-158.2), paragraphs (2), (3), or (5) of Section 16-106, or
15 Article 18 of the Illinois Pension Code, for disability
16 incurred after January 1, 1966, (2) receives total permanent
17 or total temporary disability under the Workers' Compensation
18 Act or Occupational Disease Act as a result of injuries
19 sustained or illness contracted in the course of employment
20 with the State of Illinois, or (3) is not otherwise covered
21 under this Act and has retired as a participating member
22 under Article 2 of the Illinois Pension Code but is
23 ineligible for the retirement annuity under Section 2-119 of
24 the Illinois Pension Code. However, a person who satisfies
25 the criteria of the foregoing definition of "employee" except
26 that such person is made ineligible to participate in the
27 State Universities Retirement System by clause (4) of
28 subsection (a) of Section 15-107 of the Illinois Pension Code
29 is also an "employee" for the purposes of this Act.
30 "Employee" also includes any person receiving or eligible for
31 benefits under a sick pay plan established in accordance with
32 Section 36 of the State Finance Act. "Employee" also includes
33 each officer or employee in the service of a qualified local
34 government, including persons appointed as trustees of

1 sanitary districts regardless of hours devoted to the service
2 of the sanitary district, and each employee in the service of
3 a qualified rehabilitation facility and each full-time
4 employee in the service of a qualified domestic violence
5 shelter or service, as determined according to rules
6 promulgated by the Director.

7 (l) "Member" means an employee, annuitant, retired
8 employee or survivor.

9 (m) "Optional coverages or benefits" means those
10 coverages or benefits available to the member on his or her
11 voluntary election, and at his or her own expense.

12 (n) "Program" means the group life insurance, health
13 benefits and other employee benefits designed and contracted
14 for by the Director under this Act.

15 (o) "Health plan" means a health benefits program
16 offered by the State of Illinois for persons eligible for the
17 plan.

18 (p) "Retired employee" means any person who would be an
19 annuitant as that term is defined herein but for the fact
20 that such person retired prior to January 1, 1966. Such term
21 also includes any person formerly employed by the University
22 of Illinois in the Cooperative Extension Service who would be
23 an annuitant but for the fact that such person was made
24 ineligible to participate in the State Universities
25 Retirement System by clause (4) of subsection (a) of Section
26 15-107 of the Illinois Pension Code.

27 (q) "Survivor" means a person receiving an annuity as a
28 survivor of an employee or of an annuitant. "Survivor" also
29 includes: (1) the surviving dependent of a person who
30 satisfies the definition of "employee" except that such
31 person is made ineligible to participate in the State
32 Universities Retirement System by clause (4) of subsection
33 (a) of Section 15-107 of the Illinois Pension Code; and (2)
34 the surviving dependent of any person formerly employed by

1 the University of Illinois in the Cooperative Extension
2 Service who would be an annuitant except for the fact that
3 such person was made ineligible to participate in the State
4 Universities Retirement System by clause (4) of subsection
5 (a) of Section 15-107 of the Illinois Pension Code.

6 (q-5) "New SERS survivor" means a survivor, as defined
7 in subsection (q), whose annuity is paid under Article 14 of
8 the Illinois Pension Code and is based on the death of (i) an
9 employee whose death occurs on or after January 1, 1998, or
10 (ii) a new SERS annuitant as defined in subsection (b-5).

11 (q-6) "New SURS survivor" means a survivor, as defined
12 in subsection (q), whose annuity is paid under Article 15 of
13 the Illinois Pension Code and is based on the death of (i) an
14 employee whose death occurs on or after January 1, 1998, or
15 (ii) a new SURS annuitant as defined in subsection (b-6).

16 (q-7) "New TRS State survivor" means a survivor, as
17 defined in subsection (q), whose annuity is paid under
18 Article 16 of the Illinois Pension Code and is based on the
19 death of (i) an employee who is a teacher as defined in
20 paragraph (2), (3), or (5) of Section 16-106 of that Code and
21 whose death occurs on or after July 1, 1998, or (ii) a new
22 TRS State annuitant as defined in subsection (b-7).

23 (r) "Medical services" means the services provided
24 within the scope of their licenses by practitioners in all
25 categories licensed under the Medical Practice Act of 1987.

26 (s) "Unit of local government" means any county,
27 municipality, township, school district, special district or
28 other unit, designated as a unit of local government by law,
29 which exercises limited governmental powers or powers in
30 respect to limited governmental subjects, any not-for-profit
31 association with a membership that primarily includes
32 townships and township officials, that has duties that
33 include provision of research service, dissemination of
34 information, and other acts for the purpose of improving

1 township government, and that is funded wholly or partly in
2 accordance with Section 85-15 of the Township Code; any
3 not-for-profit corporation or association, with a membership
4 consisting primarily of municipalities, that operates its own
5 utility system, and provides research, training,
6 dissemination of information, or other acts to promote
7 cooperation between and among municipalities that provide
8 utility services and for the advancement of the goals and
9 purposes of its membership; the Southern Illinois Collegiate
10 Common Market, which is a consortium of higher education
11 institutions in Southern Illinois; and the Illinois
12 Association of Park Districts. "Qualified local government"
13 means a unit of local government approved by the Director and
14 participating in a program created under subsection (i) of
15 Section 10 of this Act.

16 (t) "Qualified rehabilitation facility" means any
17 not-for-profit organization that is accredited by the
18 Commission on Accreditation of Rehabilitation Facilities or
19 certified by the Department of Human Services (as successor
20 to the Department of Mental Health and Developmental
21 Disabilities) to provide services to persons with
22 disabilities and which receives funds from the State of
23 Illinois for providing those services, approved by the
24 Director and participating in a program created under
25 subsection (j) of Section 10 of this Act.

26 (u) "Qualified domestic violence shelter or service"
27 means any Illinois domestic violence shelter or service and
28 its administrative offices funded by the Department of Human
29 Services (as successor to the Illinois Department of Public
30 Aid), approved by the Director and participating in a program
31 created under subsection (k) of Section 10.

32 (v) "TRS benefit recipient" means a person who:

33 (1) is not a "member" as defined in this Section;

34 and

1 (2) is receiving a monthly benefit or retirement
2 annuity under Article 16 of the Illinois Pension Code;
3 and

4 (3) either (i) has at least 8 years of creditable
5 service under Article 16 of the Illinois Pension Code, or
6 (ii) was enrolled in the health insurance program offered
7 under that Article on January 1, 1996, or (iii) is the
8 survivor of a benefit recipient who had at least 8 years
9 of creditable service under Article 16 of the Illinois
10 Pension Code or was enrolled in the health insurance
11 program offered under that Article on the effective date
12 of this amendatory Act of 1995, or (iv) is a recipient or
13 survivor of a recipient of a disability benefit under
14 Article 16 of the Illinois Pension Code.

15 (w) "TRS dependent beneficiary" means a person who:

16 (1) is not a "member" or "dependent" as defined in
17 this Section; and

18 (2) is a TRS benefit recipient's: (A) spouse, (B)
19 dependent parent who is receiving at least half of his or
20 her support from the TRS benefit recipient, or (C)
21 unmarried natural or adopted child who is (i) under age
22 19, or (ii) enrolled as a full-time student in an
23 accredited school, financially dependent upon the TRS
24 benefit recipient, eligible to be claimed as a dependent
25 for income tax purposes, and either is under age 24 or
26 was, on January 1, 1996, participating as a dependent
27 beneficiary in the health insurance program offered under
28 Article 16 of the Illinois Pension Code, or (iii) age 19
29 or over who is mentally or physically handicapped.

30 (x) "Military leave with pay and benefits" refers to
31 individuals in basic training for reserves, special/advanced
32 training, annual training, emergency call up, or activation
33 by the President of the United States with approved pay and
34 benefits.

1 (y) "Military leave without pay and benefits" refers to
2 individuals who enlist for active duty in a regular component
3 of the U.S. Armed Forces or other duty not specified or
4 authorized under military leave with pay and benefits.

5 (z) "Community college benefit recipient" means a person
6 who:

7 (1) is not a "member" as defined in this Section;
8 and

9 (2) is receiving a monthly survivor's annuity or
10 retirement annuity under Article 15 of the Illinois
11 Pension Code; and

12 (3) either (i) was a full-time employee of a
13 community college district or an association of community
14 college boards created under the Public Community College
15 Act (other than an employee whose last employer under
16 Article 15 of the Illinois Pension Code was a community
17 college district subject to Article VII of the Public
18 Community College Act) and was eligible to participate in
19 a group health benefit plan as an employee during the
20 time of employment with a community college district
21 (other than a community college district subject to
22 Article VII of the Public Community College Act) or an
23 association of community college boards, or (ii) is the
24 survivor of a person described in item (i).

25 (aa) "Community college dependent beneficiary" means a
26 person who:

27 (1) is not a "member" or "dependent" as defined in
28 this Section; and

29 (2) is a community college benefit recipient's: (A)
30 spouse, (B) dependent parent who is receiving at least
31 half of his or her support from the community college
32 benefit recipient, or (C) unmarried natural or adopted
33 child who is (i) under age 19, or (ii) enrolled as a
34 full-time student in an accredited school, financially

1 dependent upon the community college benefit recipient,
2 eligible to be claimed as a dependent for income tax
3 purposes and under age 23, or (iii) age 19 or over and
4 mentally or physically handicapped.

5 (Source: P.A. 90-14, eff. 7-1-97; 90-65, eff. 7-7-97; 90-448,
6 eff. 8-16-97; 90-497, eff. 8-18-97; 90-511, eff. 8-22-97;
7 90-582, eff. 5-27-98; 90-655, eff. 7-30-98; 91-390, eff.
8 7-30-99; 91-395, eff. 7-30-99; 91-617, eff, 8-19-99; revised
9 10-19-99.)

10 (5 ILCS 375/6.12)

11 Sec. 6.12. Payment for services. The program of health
12 benefits is subject to the provisions of Section 368a₇ of the
13 Illinois Insurance Code.

14 (Source: P.A. 91-605, eff. 12-14-99; 91-788, eff. 6-9-00;
15 revised 6-28-00.)

16 (5 ILCS 375/6.13)

17 Sec. 6.13. ~~6-12~~. Managed Care Reform and Patient Rights
18 Act. The program of health benefits is subject to the
19 provisions of the Managed Care Reform and Patient Rights Act,
20 except the fee for service program shall only be required to
21 comply with Section 85 and the definition of "emergency
22 medical condition" in Section 10 of the Managed Care Reform
23 and Patient Rights Act.

24 (Source: P.A. 91-617, eff. 8-19-99; revised 10-18-99.)

25 (5 ILCS 375/10) (from Ch. 127, par. 530)

26 Sec. 10. Payments by State; premiums.

27 (a) The State shall pay the cost of basic
28 non-contributory group life insurance and, subject to member
29 paid contributions set by the Department or required by this
30 Section, the basic program of group health benefits on each
31 eligible member, except a member, not otherwise covered by

1 this Act, who has retired as a participating member under
2 Article 2 of the Illinois Pension Code but is ineligible for
3 the retirement annuity under Section 2-119 of the Illinois
4 Pension Code, and part of each eligible member's and retired
5 member's premiums for health insurance coverage for enrolled
6 dependents as provided by Section 9. The State shall pay the
7 cost of the basic program of group health benefits only after
8 benefits are reduced by the amount of benefits covered by
9 Medicare for all members and dependents who are eligible for
10 benefits under Social Security or the Railroad Retirement
11 system or who had sufficient Medicare-covered government
12 employment, except that such reduction in benefits shall
13 apply only to those members and dependents who (1) first
14 become eligible for such Medicare coverage on or after July
15 1, 1992; or (2) are Medicare-eligible members or dependents
16 of a local government unit which began participation in the
17 program on or after July 1, 1992; or (3) remain eligible for,
18 but no longer receive Medicare coverage which they had been
19 receiving on or after July 1, 1992. The Department may
20 determine the aggregate level of the State's contribution on
21 the basis of actual cost of medical services adjusted for
22 age, sex or geographic or other demographic characteristics
23 which affect the costs of such programs.

24 The cost of participation in the basic program of group
25 health benefits for the dependent or survivor of a living or
26 deceased retired employee who was formerly employed by the
27 University of Illinois in the Cooperative Extension Service
28 and would be an annuitant but for the fact that he or she was
29 made ineligible to participate in the State Universities
30 Retirement System by clause (4) of subsection (a) of Section
31 15-107 of the Illinois Pension Code shall not be greater than
32 the cost of participation that would otherwise apply to that
33 dependent or survivor if he or she were the dependent or
34 survivor of an annuitant under the State Universities

1 Retirement System.

2 (a-1) Beginning January 1, 1998, for each person who
3 becomes a new SERS annuitant and participates in the basic
4 program of group health benefits, the State shall contribute
5 toward the cost of the annuitant's coverage under the basic
6 program of group health benefits an amount equal to 5% of
7 that cost for each full year of creditable service upon which
8 the annuitant's retirement annuity is based, up to a maximum
9 of 100% for an annuitant with 20 or more years of creditable
10 service. The remainder of the cost of a new SERS annuitant's
11 coverage under the basic program of group health benefits
12 shall be the responsibility of the annuitant.

13 (a-2) Beginning January 1, 1998, for each person who
14 becomes a new SERS survivor and participates in the basic
15 program of group health benefits, the State shall contribute
16 toward the cost of the survivor's coverage under the basic
17 program of group health benefits an amount equal to 5% of
18 that cost for each full year of the deceased employee's or
19 deceased annuitant's creditable service in the State
20 Employees' Retirement System of Illinois on the date of
21 death, up to a maximum of 100% for a survivor of an employee
22 or annuitant with 20 or more years of creditable service.
23 The remainder of the cost of the new SERS survivor's coverage
24 under the basic program of group health benefits shall be the
25 responsibility of the survivor.

26 (a-3) Beginning January 1, 1998, for each person who
27 becomes a new SURS annuitant and participates in the basic
28 program of group health benefits, the State shall contribute
29 toward the cost of the annuitant's coverage under the basic
30 program of group health benefits an amount equal to 5% of
31 that cost for each full year of creditable service upon which
32 the annuitant's retirement annuity is based, up to a maximum
33 of 100% for an annuitant with 20 or more years of creditable
34 service. The remainder of the cost of a new SURS annuitant's

1 coverage under the basic program of group health benefits
2 shall be the responsibility of the annuitant.

3 (a-4) (Blank).

4 (a-5) Beginning January 1, 1998, for each person who
5 becomes a new SURS survivor and participates in the basic
6 program of group health benefits, the State shall contribute
7 toward the cost of the survivor's coverage under the basic
8 program of group health benefits an amount equal to 5% of
9 that cost for each full year of the deceased employee's or
10 deceased annuitant's creditable service in the State
11 Universities Retirement System on the date of death, up to a
12 maximum of 100% for a survivor of an employee or annuitant
13 with 20 or more years of creditable service. The remainder
14 of the cost of the new SURS survivor's coverage under the
15 basic program of group health benefits shall be the
16 responsibility of the survivor.

17 (a-6) Beginning July 1, 1998, for each person who
18 becomes a new TRS State annuitant and participates in the
19 basic program of group health benefits, the State shall
20 contribute toward the cost of the annuitant's coverage under
21 the basic program of group health benefits an amount equal to
22 5% of that cost for each full year of creditable service as a
23 teacher as defined in paragraph (2), (3), or (5) of Section
24 16-106 of the Illinois Pension Code upon which the
25 annuitant's retirement annuity is based, up to a maximum of
26 100%; except that the State contribution shall be 12.5% per
27 year (rather than 5%) for each full year of creditable
28 service as a regional superintendent or assistant regional
29 superintendent of schools. The remainder of the cost of a
30 new TRS State annuitant's coverage under the basic program of
31 group health benefits shall be the responsibility of the
32 annuitant.

33 (a-7) Beginning July 1, 1998, for each person who
34 becomes a new TRS State survivor and participates in the

1 basic program of group health benefits, the State shall
2 contribute toward the cost of the survivor's coverage under
3 the basic program of group health benefits an amount equal to
4 5% of that cost for each full year of the deceased employee's
5 or deceased annuitant's creditable service as a teacher as
6 defined in paragraph (2), (3), or (5) of Section 16-106 of
7 the Illinois Pension Code on the date of death, up to a
8 maximum of 100%; except that the State contribution shall be
9 12.5% per year (rather than 5%) for each full year of the
10 deceased employee's or deceased annuitant's creditable
11 service as a regional superintendent or assistant regional
12 superintendent of schools. The remainder of the cost of the
13 new TRS State survivor's coverage under the basic program of
14 group health benefits shall be the responsibility of the
15 survivor.

16 (a-8) A new SERS annuitant, new SERS survivor, new SURS
17 annuitant, new SURS survivor, new TRS State annuitant, or new
18 TRS State survivor may waive or terminate coverage in the
19 program of group health benefits. Any such annuitant or
20 survivor who has waived or terminated coverage may enroll or
21 re-enroll in the program of group health benefits only during
22 the annual benefit choice period, as determined by the
23 Director; except that in the event of termination of coverage
24 due to nonpayment of premiums, the annuitant or survivor may
25 not re-enroll in the program.

26 (a-9) No later than May 1 of each calendar year, the
27 Director of Central Management Services shall certify in
28 writing to the Executive Secretary of the State Employees'
29 Retirement System of Illinois the amounts of the Medicare
30 supplement health care premiums and the amounts of the health
31 care premiums for all other retirees who are not Medicare
32 eligible.

33 A separate calculation of the premiums based upon the
34 actual cost of each health care plan shall be so certified.

1 The Director of Central Management Services shall provide
2 to the Executive Secretary of the State Employees' Retirement
3 System of Illinois such information, statistics, and other
4 data as he or she may require to review the premium amounts
5 certified by the Director of Central Management Services.

6 (b) State employees who become eligible for this program
7 on or after January 1, 1980 in positions normally requiring
8 actual performance of duty not less than 1/2 of a normal work
9 period but not equal to that of a normal work period, shall
10 be given the option of participating in the available
11 program. If the employee elects coverage, the State shall
12 contribute on behalf of such employee to the cost of the
13 employee's benefit and any applicable dependent supplement,
14 that sum which bears the same percentage as that percentage
15 of time the employee regularly works when compared to normal
16 work period.

17 (c) The basic non-contributory coverage from the basic
18 program of group health benefits shall be continued for each
19 employee not in pay status or on active service by reason of
20 (1) leave of absence due to illness or injury, (2) authorized
21 educational leave of absence or sabbatical leave, or (3)
22 military leave with pay and benefits. This coverage shall
23 continue until expiration of authorized leave and return to
24 active service, but not to exceed 24 months for leaves under
25 item (1) or (2). This 24-month limitation and the requirement
26 of returning to active service shall not apply to persons
27 receiving ordinary or accidental disability benefits or
28 retirement benefits through the appropriate State retirement
29 system or benefits under the Workers' Compensation or
30 Occupational Disease Act.

31 (d) The basic group life insurance coverage shall
32 continue, with full State contribution, where such person is
33 (1) absent from active service by reason of disability
34 arising from any cause other than self-inflicted, (2) on

1 authorized educational leave of absence or sabbatical leave,
2 or (3) on military leave with pay and benefits.

3 (e) Where the person is in non-pay status for a period
4 in excess of 30 days or on leave of absence, other than by
5 reason of disability, educational or sabbatical leave, or
6 military leave with pay and benefits, such person may
7 continue coverage only by making personal payment equal to
8 the amount normally contributed by the State on such person's
9 behalf. Such payments and coverage may be continued: (1)
10 until such time as the person returns to a status eligible
11 for coverage at State expense, but not to exceed 24 months,
12 (2) until such person's employment or annuitant status with
13 the State is terminated, or (3) for a maximum period of 4
14 years for members on military leave with pay and benefits and
15 military leave without pay and benefits (exclusive of any
16 additional service imposed pursuant to law).

17 (f) The Department shall establish by rule the extent
18 to which other employee benefits will continue for persons in
19 non-pay status or who are not in active service.

20 (g) The State shall not pay the cost of the basic
21 non-contributory group life insurance, program of health
22 benefits and other employee benefits for members who are
23 survivors as defined by paragraphs (1) and (2) of subsection
24 (q) of Section 3 of this Act. The costs of benefits for
25 these survivors shall be paid by the survivors or by the
26 University of Illinois Cooperative Extension Service, or any
27 combination thereof. However, the State shall pay the amount
28 of the reduction in the cost of participation, if any,
29 resulting from the amendment to subsection (a) made by this
30 amendatory Act of the 91st General Assembly.

31 (h) Those persons occupying positions with any
32 department as a result of emergency appointments pursuant to
33 Section 8b.8 of the Personnel Code who are not considered
34 employees under this Act shall be given the option of

1 participating in the programs of group life insurance, health
2 benefits and other employee benefits. Such persons electing
3 coverage may participate only by making payment equal to the
4 amount normally contributed by the State for similarly
5 situated employees. Such amounts shall be determined by the
6 Director. Such payments and coverage may be continued until
7 such time as the person becomes an employee pursuant to this
8 Act or such person's appointment is terminated.

9 (i) Any unit of local government within the State of
10 Illinois may apply to the Director to have its employees,
11 annuitants, and their dependents provided group health
12 coverage under this Act on a non-insured basis. To
13 participate, a unit of local government must agree to enroll
14 all of its employees, who may select coverage under either
15 the State group health benefits plan or a health maintenance
16 organization that has contracted with the State to be
17 available as a health care provider for employees as defined
18 in this Act. A unit of local government must remit the
19 entire cost of providing coverage under the State group
20 health benefits plan or, for coverage under a health
21 maintenance organization, an amount determined by the
22 Director based on an analysis of the sex, age, geographic
23 location, or other relevant demographic variables for its
24 employees, except that the unit of local government shall not
25 be required to enroll those of its employees who are covered
26 spouses or dependents under this plan or another group policy
27 or plan providing health benefits as long as (1) an
28 appropriate official from the unit of local government
29 attests that each employee not enrolled is a covered spouse
30 or dependent under this plan or another group policy or plan,
31 and (2) at least 85% of the employees are enrolled and the
32 unit of local government remits the entire cost of providing
33 coverage to those employees, except that a participating
34 school district must have enrolled at least 85% of its

1 full-time employees who have not waived coverage under the
2 district's group health plan by participating in a component
3 of the district's cafeteria plan. A participating school
4 district is not required to enroll a full-time employee who
5 has waived coverage under the district's health plan,
6 provided that an appropriate official from the participating
7 school district attests that the full-time employee has
8 waived coverage by participating in a component of the
9 district's cafeteria plan. For the purposes of this
10 subsection, "participating school district" includes a unit
11 of local government whose primary purpose is education as
12 defined by the Department's rules.

13 Employees of a participating unit of local government who
14 are not enrolled due to coverage under another group health
15 policy or plan may enroll in the event of a qualifying change
16 in status, special enrollment, special circumstance as
17 defined by the Director, or during the annual Benefit Choice
18 Period. A participating unit of local government may also
19 elect to cover its annuitants. Dependent coverage shall be
20 offered on an optional basis, with the costs paid by the unit
21 of local government, its employees, or some combination of
22 the two as determined by the unit of local government. The
23 unit of local government shall be responsible for timely
24 collection and transmission of dependent premiums.

25 The Director shall annually determine monthly rates of
26 payment, subject to the following constraints:

27 (1) In the first year of coverage, the rates shall
28 be equal to the amount normally charged to State
29 employees for elected optional coverages or for enrolled
30 dependents coverages or other contributory coverages, or
31 contributed by the State for basic insurance coverages on
32 behalf of its employees, adjusted for differences between
33 State employees and employees of the local government in
34 age, sex, geographic location or other relevant

1 demographic variables, plus an amount sufficient to pay
2 for the additional administrative costs of providing
3 coverage to employees of the unit of local government and
4 their dependents.

5 (2) In subsequent years, a further adjustment shall
6 be made to reflect the actual prior years' claims
7 experience of the employees of the unit of local
8 government.

9 In the case of coverage of local government employees
10 under a health maintenance organization, the Director shall
11 annually determine for each participating unit of local
12 government the maximum monthly amount the unit may contribute
13 toward that coverage, based on an analysis of (i) the age,
14 sex, geographic location, and other relevant demographic
15 variables of the unit's employees and (ii) the cost to cover
16 those employees under the State group health benefits plan.
17 The Director may similarly determine the maximum monthly
18 amount each unit of local government may contribute toward
19 coverage of its employees' dependents under a health
20 maintenance organization.

21 Monthly payments by the unit of local government or its
22 employees for group health benefits plan or health
23 maintenance organization coverage shall be deposited in the
24 Local Government Health Insurance Reserve Fund. The Local
25 Government Health Insurance Reserve Fund shall be a
26 continuing fund not subject to fiscal year limitations. All
27 expenditures from this fund shall be used for payments for
28 health care benefits for local government and rehabilitation
29 facility employees, annuitants, and dependents, and to
30 reimburse the Department or its administrative service
31 organization for all expenses incurred in the administration
32 of benefits. No other State funds may be used for these
33 purposes.

34 A local government employer's participation or desire to

1 participate in a program created under this subsection shall
2 not limit that employer's duty to bargain with the
3 representative of any collective bargaining unit of its
4 employees.

5 (j) Any rehabilitation facility within the State of
6 Illinois may apply to the Director to have its employees,
7 annuitants, and their eligible dependents provided group
8 health coverage under this Act on a non-insured basis. To
9 participate, a rehabilitation facility must agree to enroll
10 all of its employees and remit the entire cost of providing
11 such coverage for its employees, except that the
12 rehabilitation facility shall not be required to enroll those
13 of its employees who are covered spouses or dependents under
14 this plan or another group policy or plan providing health
15 benefits as long as (1) an appropriate official from the
16 rehabilitation facility attests that each employee not
17 enrolled is a covered spouse or dependent under this plan or
18 another group policy or plan, and (2) at least 85% of the
19 employees are enrolled and the rehabilitation facility remits
20 the entire cost of providing coverage to those employees.
21 Employees of a participating rehabilitation facility who are
22 not enrolled due to coverage under another group health
23 policy or plan may enroll in the event of a qualifying change
24 in status, special enrollment, special circumstance as
25 defined by the Director, or during the annual Benefit Choice
26 Period. A participating rehabilitation facility may also
27 elect to cover its annuitants. Dependent coverage shall be
28 offered on an optional basis, with the costs paid by the
29 rehabilitation facility, its employees, or some combination
30 of the 2 as determined by the rehabilitation facility. The
31 rehabilitation facility shall be responsible for timely
32 collection and transmission of dependent premiums.

33 The Director shall annually determine quarterly rates of
34 payment, subject to the following constraints:

1 (1) In the first year of coverage, the rates shall
2 be equal to the amount normally charged to State
3 employees for elected optional coverages or for enrolled
4 dependents coverages or other contributory coverages on
5 behalf of its employees, adjusted for differences between
6 State employees and employees of the rehabilitation
7 facility in age, sex, geographic location or other
8 relevant demographic variables, plus an amount sufficient
9 to pay for the additional administrative costs of
10 providing coverage to employees of the rehabilitation
11 facility and their dependents.

12 (2) In subsequent years, a further adjustment shall
13 be made to reflect the actual prior years' claims
14 experience of the employees of the rehabilitation
15 facility.

16 Monthly payments by the rehabilitation facility or its
17 employees for group health benefits shall be deposited in the
18 Local Government Health Insurance Reserve Fund.

19 (k) Any domestic violence shelter or service within the
20 State of Illinois may apply to the Director to have its
21 employees, annuitants, and their dependents provided group
22 health coverage under this Act on a non-insured basis. To
23 participate, a domestic violence shelter or service must
24 agree to enroll all of its employees and pay the entire cost
25 of providing such coverage for its employees. A
26 participating domestic violence shelter may also elect to
27 cover its annuitants. Dependent coverage shall be offered on
28 an optional basis, with employees, or some combination of the
29 2 as determined by the domestic violence shelter or service.
30 The domestic violence shelter or service shall be responsible
31 for timely collection and transmission of dependent premiums.

32 The Director shall annually determine rates of payment,
33 subject to the following constraints:

34 (1) In the first year of coverage, the rates shall

1 be equal to the amount normally charged to State
2 employees for elected optional coverages or for enrolled
3 dependents coverages or other contributory coverages on
4 behalf of its employees, adjusted for differences between
5 State employees and employees of the domestic violence
6 shelter or service in age, sex, geographic location or
7 other relevant demographic variables, plus an amount
8 sufficient to pay for the additional administrative costs
9 of providing coverage to employees of the domestic
10 violence shelter or service and their dependents.

11 (2) In subsequent years, a further adjustment shall
12 be made to reflect the actual prior years' claims
13 experience of the employees of the domestic violence
14 shelter or service.

15 Monthly payments by the domestic violence shelter or
16 service or its employees for group health insurance shall be
17 deposited in the Local Government Health Insurance Reserve
18 Fund.

19 (1) A public community college or entity organized
20 pursuant to the Public Community College Act may apply to the
21 Director initially to have only annuitants not covered prior
22 to July 1, 1992 by the district's health plan provided health
23 coverage under this Act on a non-insured basis. The
24 community college must execute a 2-year contract to
25 participate in the Local Government Health Plan. Any
26 annuitant may enroll in the event of a qualifying change in
27 status, special enrollment, special circumstance as defined
28 by the Director, or during the annual Benefit Choice Period.

29 The Director shall annually determine monthly rates of
30 payment subject to the following constraints: for those
31 community colleges with annuitants only enrolled, first year
32 rates shall be equal to the average cost to cover claims for
33 a State member adjusted for demographics, Medicare
34 participation, and other factors; and in the second year, a

1 further adjustment of rates shall be made to reflect the
2 actual first year's claims experience of the covered
3 annuitants.

4 (1-5) The provisions of subsection (1) become
5 inoperative on July 1, 1999.

6 (m) The Director shall adopt any rules deemed necessary
7 for implementation of this amendatory Act of 1989 (Public Act
8 86-978).

9 (Source: P.A. 90-65, eff. 7-7-97; 90-582, eff. 5-27-98;
10 90-655, eff. 7-30-98; 91-280, eff. 7-23-99; 91-311; eff.
11 7-29-99; 91-357, eff. 7-29-99; 91-390, eff. 7-30-99; 91-395,
12 eff. 7-30-99; 91-617, eff. 8-19-99; revised 8-31-99.)

13 Section 10. The Election Code is amended by changing
14 Sections 7-10 and 7-30 as follows:

15 (10 ILCS 5/7-10) (from Ch. 46, par. 7-10)

16 Sec. 7-10. Form of petition for nomination. The name of
17 no candidate for nomination, or State central committeeman,
18 or township committeeman, or precinct committeeman, or ward
19 committeeman or candidate for delegate or alternate delegate
20 to national nominating conventions, shall be printed upon the
21 primary ballot unless a petition for nomination has been
22 filed in his behalf as provided in this Article in
23 substantially the following form:

24 We, the undersigned, members of and affiliated with the
25 party and qualified primary electors of the party,
26 in the of, in the county of and State of
27 Illinois, do hereby petition that the following named person
28 or persons shall be a candidate or candidates of the
29 party for the nomination for (or in case of committeemen for
30 election to) the office or offices hereinafter specified, to
31 be voted for at the primary election to be held on (insert
32 date).

1	Name	Office	Address
2	John Jones	Governor	Belvidere, Ill.
3	Thomas Smith	Attorney General	Oakland, Ill.

4 Name..... Address.....
5 State of Illinois)
6) ss.
7 County of.....)

8 I,, do hereby certify that I am a registered voter
9 and have been a registered voter at all times I have
10 circulated this petition, that I reside at No. street,
11 in the of, county of, and State of Illinois,
12 and that the signatures on this sheet were signed in my
13 presence, and are genuine, and that to the best of my
14 knowledge and belief the persons so signing were at the time
15 of signing the petitions qualified voters of the party,
16 and that their respective residences are correctly stated, as
17 above set forth.

18
19 Subscribed and sworn to before me on (insert date).
20

21 Each sheet of the petition other than the statement of
22 candidacy and candidate's statement shall be of uniform size
23 and shall contain above the space for signatures an
24 appropriate heading giving the information as to name of
25 candidate or candidates, in whose behalf such petition is
26 signed; the office, the political party represented and place
27 of residence; and the heading of each sheet shall be the
28 same.

29 Such petition shall be signed by qualified primary
30 electors residing in the political division for which the
31 nomination is sought in their own proper persons only and
32 opposite the signature of each signer, his residence address
33 shall be written or printed. The residence address required
34 to be written or printed opposite each qualified primary

1 elector's name shall include the street address or rural
2 route number of the signer, as the case may be, as well as
3 the signer's county, and city, village or town, and state.
4 However the county or city, village or town, and state of
5 residence of the electors may be printed on the petition
6 forms where all of the electors signing the petition reside
7 in the same county or city, village or town, and state.
8 Standard abbreviations may be used in writing the residence
9 address, including street number, if any. At the bottom of
10 each sheet of such petition shall be added a statement signed
11 by a registered voter of the political division, who has been
12 a registered voter at all times he or she circulated the
13 petition, for which the candidate is seeking a nomination,
14 stating the street address or rural route number of the
15 voter, as the case may be, as well as the voter's county, and
16 city, village or town, and state; and certifying that the
17 signatures on that sheet of the petition were signed in his
18 presence; and either (1) indicating the dates on which that
19 sheet was circulated, or (2) indicating the first and last
20 dates on which the sheet was circulated, or (3) certifying
21 that none of the signatures on the sheet were signed more
22 than 90 days preceding the last day for the filing of the
23 petition, or more than 45 days preceding the last day for
24 filing of the petition in the case of political party and
25 independent candidates for single or multi-county regional
26 superintendents of schools in the 1994 general primary
27 election; and certifying that the signatures on the sheet are
28 genuine, and certifying that to the best of his knowledge
29 and belief the persons so signing were at the time of signing
30 the petitions qualified voters of the political party for
31 which a nomination is sought. Such statement shall be sworn
32 to before some officer authorized to administer oaths in this
33 State.

34 No petition sheet shall be circulated more than 90 days

1 preceding the last day provided in Section 7-12 for the
2 filing of such petition, or more than 45 days preceding the
3 last day for filing of the petition in the case of political
4 party and independent candidates for single or multi-county
5 regional superintendents of schools in the 1994 general
6 primary election.

7 The person circulating the petition, or the candidate on
8 whose behalf the petition is circulated, may strike any
9 signature from the petition, provided that:†

10 (1) the person striking the signature shall initial
11 the petition at the place where the signature is struck;
12 and

13 (2) the person striking the signature shall sign a
14 certification listing the page number and line number of
15 each signature struck from the petition. Such
16 certification shall be filed as a part of the petition.

17 Such sheets before being filed shall be neatly fastened
18 together in book form, by placing the sheets in a pile and
19 fastening them together at one edge in a secure and suitable
20 manner, and the sheets shall then be numbered consecutively.
21 The sheets shall not be fastened by pasting them together end
22 to end, so as to form a continuous strip or roll. All
23 petition sheets which are filed with the proper local
24 election officials, election authorities or the State Board
25 of Elections shall be the original sheets which have been
26 signed by the voters and by the circulator thereof, and not
27 photocopies or duplicates of such sheets. Each petition must
28 include as a part thereof, a statement of candidacy for each
29 of the candidates filing, or in whose behalf the petition is
30 filed. This statement shall set out the address of such
31 candidate, the office for which he is a candidate, shall
32 state that the candidate is a qualified primary voter of the
33 party to which the petition relates and is qualified for the
34 office specified (in the case of a candidate for State's

1 Attorney it shall state that the candidate is at the time of
 2 filing such statement a licensed attorney-at-law of this
 3 State), shall state that he has filed (or will file before
 4 the close of the petition filing period) a statement of
 5 economic interests as required by the Illinois Governmental
 6 Ethics Act, shall request that the candidate's name be placed
 7 upon the official ballot, and shall be subscribed and sworn
 8 to by such candidate before some officer authorized to take
 9 acknowledgment of deeds in the State and shall be in
 10 substantially the following form:

11 Statement of Candidacy

12	Name	Address	Office	District	Party
13	John Jones	102 Main St.	Governor	Statewide	Republican
14		Belvidere,			
15		Illinois			

16 State of Illinois)
 17) ss.
 18 County of

19 I,, being first duly sworn, say that I reside at
 20 Street in the city (or village) of, in the county
 21 of, State of Illinois; that I am a qualified voter
 22 therein and am a qualified primary voter of the party;
 23 that I am a candidate for nomination (for election in the
 24 case of committeeman and delegates and alternate delegates)
 25 to the office of to be voted upon at the primary
 26 election to be held on (insert date); that I am legally
 27 qualified (including being the holder of any license that may
 28 be an eligibility requirement for the office I seek the
 29 nomination for) to hold such office and that I have filed (or
 30 I will file before the close of the petition filing period) a
 31 statement of economic interests as required by the Illinois
 32 Governmental Ethics Act and I hereby request that my name be
 33 printed upon the official primary ballot for nomination for
 34 (or election to in the case of committeemen and delegates and

1 alternate delegates) such office.

2 Signed

3 Subscribed and sworn to (or affirmed) before me by,

4 who is to me personally known, on (insert date).

5 Signed

6 (Official Character)

7 (Seal, if officer has one.)

8 The petitions, when filed, shall not be withdrawn or
9 added to, and no signatures shall be revoked except by
10 revocation filed in writing with the State Board of
11 Elections, election authority or local election official with
12 whom the petition is required to be filed, and before the
13 filing of such petition. Whoever forges the name of a signer
14 upon any petition required by this Article is deemed guilty
15 of a forgery and on conviction thereof shall be punished
16 accordingly.

17 Petitions of candidates for nomination for offices herein
18 specified, to be filed with the same officer, may contain the
19 names of 2 or more candidates of the same political party for
20 the same or different offices.

21 Such petitions for nominations shall be signed:

22 (a) If for a State office, or for delegate or
23 alternate delegate to be elected from the State at large
24 to a National nominating convention by not less than
25 5,000 nor more than 10,000 primary electors of his party.

26 (b) If for a congressional officer or for delegate
27 or alternate delegate to be elected from a congressional
28 district to a national nominating convention by at least
29 .5% of the qualified primary electors of his party in his
30 congressional district, except that for the first primary
31 following a redistricting of congressional districts such
32 petitions shall be signed by at least 600 qualified
33 primary electors of the candidate's party in his
34 congressional district.

1 (c) If for a county office (including county board
2 member and chairman of the county board where elected
3 from the county at large), by at least .5% of the
4 qualified electors of his party cast at the last
5 preceding general election in his county. However, if
6 for the nomination for county commissioner of Cook
7 County, then by at least .5% of the qualified primary
8 electors of his or her party in his or her county in the
9 district or division in which such person is a candidate
10 for nomination; and if for county board member from a
11 county board district, then by at least .5% of the
12 qualified primary electors of his party in the county
13 board district. In the case of an election for county
14 board member to be elected from a district, for the first
15 primary following a redistricting of county board
16 districts or the initial establishment of county board
17 districts, then by at least .5% of the qualified electors
18 of his party in the entire county at the last preceding
19 general election, divided by the number of county board
20 districts, but in any event not less than 25 qualified
21 primary electors of his party in the district.

22 (d) If for a municipal or township office by at
23 least .5% of the qualified primary electors of his party
24 in the municipality or township; if for alderman, by at
25 least .5% of the voters of his party of his ward. In the
26 case of an election for alderman or trustee of a
27 municipality to be elected from a ward or district, for
28 the first primary following a redistricting or the
29 initial establishment of wards or districts, then by .5%
30 of the total number of votes cast for the candidate of
31 such political party who received the highest number of
32 votes in the entire municipality at the last regular
33 election at which an officer was regularly scheduled to
34 be elected from the entire municipality, divided by the

1 number of wards or districts, but in any event not less
2 than 25 qualified primary electors of his party in the
3 ward or district.

4 (e) If for State central committeeman, by at least
5 100 of the primary electors of his or her party of his or
6 her congressional district.

7 (f) If for a candidate for trustee of a sanitary
8 district in which trustees are not elected from wards, by
9 at least .5% of the primary electors of his party, from
10 such sanitary district.

11 (g) If for a candidate for trustee of a sanitary
12 district in which the trustees are elected from wards, by
13 at least .5% of the primary electors of his party in his
14 ward of such sanitary district, except that for the first
15 primary following a reapportionment of the district such
16 petitions shall be signed by at least 150 qualified
17 primary electors of the candidate's ward of such sanitary
18 district.

19 (h) If ~~The--number--of--signatures--required~~ for a
20 candidate for judicial office in a district, circuit, or
21 subcircuit, by a number of primary electors at least
22 equal to ~~shall-be~~ 0.25% of the number of votes cast for
23 the judicial candidate of his or her political party who
24 received the highest number of votes at the last regular
25 general election at which a judicial officer from the
26 same district, circuit, or subcircuit was regularly
27 scheduled to be elected, but in no event fewer ~~shall--be~~
28 ~~less than 500 signatures.~~

29 (i) If for a candidate for precinct committeeman,
30 by at least 10 primary electors of his or her party of
31 his or her precinct; if for a candidate for ward
32 committeeman, by not less than 10% nor more than 16% (or
33 50 more than the minimum, whichever is greater) of the
34 primary electors of his party of his ward; if for a

1 candidate for township committeeman, by not less than 5%
2 nor more than 8% (or 50 more than the minimum, whichever
3 is greater) of the primary electors of his party in his
4 township or part of a township as the case may be.

5 (j) If for a candidate for State's Attorney or
6 Regional Superintendent of Schools to serve 2 or more
7 counties, by at least .5% of the primary electors of his
8 party in the territory comprising such counties.

9 (k) If for any other office by at least .5% of the
10 total number of registered voters of the political
11 subdivision, district or division for which the
12 nomination is made or a minimum of 25, whichever is
13 greater.

14 For the purposes of this Section the number of primary
15 electors shall be determined by taking the total vote cast,
16 in the applicable district, for the candidate for such
17 political party who received the highest number of votes,
18 state-wide, at the last general election in the State at
19 which electors for President of the United States were
20 elected. For political subdivisions, the number of primary
21 electors shall be determined by taking the total vote cast
22 for the candidate for such political party who received the
23 highest number of votes in such political subdivision at the
24 last regular election at which an officer was regularly
25 scheduled to be elected from that subdivision. For wards or
26 districts of political subdivisions, the number of primary
27 electors shall be determined by taking the total vote cast
28 for the candidate for such political party who received the
29 highest number of votes in such ward or district at the last
30 regular election at which an officer was regularly scheduled
31 to be elected from that ward or district.

32 A "qualified primary elector" of a party may not sign
33 petitions for or be a candidate in the primary of more than
34 one party.

1 (Source: P.A. 91-57, eff. 6-30-99; 91-357, eff. 7-29-99;
2 91-358, eff. 7-29-99; revised 8-17-99.)

3 (10 ILCS 5/7-30) (from Ch. 46, par. 7-30)

4 Sec. 7-30. Previous to any vote being taken, the primary
5 judges shall severally subscribe and take an oath or
6 affirmation in the following form, to-wit:

7 "I do solemnly swear (or affirm, as the case may be),
8 that I will support the Constitution of the United States and
9 the Constitution of the State of Illinois, and will
10 faithfully and honestly discharge the duties of primary
11 judge, according to the best of my ability, and that I have
12 resided in this State for 30 days, (and only in the case of a
13 primary judge in counties of less than 500,000 inhabitants,
14 have resided the following in this precinct for the 30 days
15 next preceding this primary), (and in the case of a
16 registered voter, am entitled to vote at this primary)."

17 All persons subscribing the oath as--aforesaid, and all
18 persons actually serving as primary judges, whether sworn or
19 not, shall be deemed to be and are hereby declared to be
20 officers of the circuit court of their respective counties.

21 (Source: P.A. 91-352, eff. 1-1-00; revised 2-23-00.)

22 Section 10.2. The State Library Act is amended by
23 changing Section 7 as follows:

24 (15 ILCS 320/7) (from Ch. 128, par. 107)

25 Sec. 7. Purposes of the State Library. The Illinois
26 State Library shall:

27 (a) Maintain a library for officials and employees of
28 the State, consisting of informational material and resources
29 pertaining to the phases of their work, and serve as the
30 State's library by extending its resources to citizens of
31 Illinois.

1 (b) Maintain and provide research library services for
2 all State agencies.

3 (c) Administer the Illinois Library System Act.

4 (d) Promote and administer the law relating to
5 Interstate Library Compacts.

6 (e) Enter into interagency agreements, pursuant to the
7 Intergovernmental Cooperation Act, including agreements to
8 promote access to information by Illinois students and the
9 general public.

10 (f) Promote and develop a cooperative library network
11 operating regionally or statewide for providing effective
12 coordination of the library resources of public, academic,
13 school, and special libraries.

14 (g) Administer grants of federal library funds pursuant
15 to federal law and requirements.

16 (h) Assist libraries in their plans for library
17 services, including funding the State-funded library systems
18 for the purpose of local library development and networking.

19 (i) Assist local library groups in developing programs
20 by which library services can be established and enhanced in
21 areas without those services.

22 (j) Be a clearing house, in an advisory capacity, for
23 questions and problems pertaining to the administration and
24 functioning of libraries in Illinois and to publish booklets
25 and pamphlets to implement this service.

26 (k) To seek the opinion of the Attorney General for
27 legal questions pertaining to public libraries and their
28 function as governmental agencies.

29 (l) Contract with any other library or library agency to
30 carry out the purposes of the State Library. If any such
31 contract requires payments by user libraries for goods and
32 services, the State Library may distribute billings from
33 contractors to applicable user libraries and may receive and
34 distribute payments from user libraries to contractors.

1 There is hereby created in the State Treasury the Library
2 Trust Fund, into which all moneys payable to contractors
3 which are received from user libraries under this paragraph
4 (l) shall be paid. The Treasurer shall pay such funds to
5 contractors at the direction of the State Librarian.

6 (m) Compile, preserve and publish public library
7 statistical information.

8 (n) Compile the annual report of local public libraries
9 and library systems submitted to the State Librarian pursuant
10 to law.

11 (o) Conduct and arrange for library training programs
12 for library personnel, library directors and others involved
13 in library services.

14 (p) Prepare an annual report for each fiscal year.

15 (q) Make available to the public, by means of access by
16 way of the largest nonproprietary nonprofit cooperative
17 public computer network, certain records of State agencies.

18 As used in this subdivision (q), "State agencies" means
19 all officers, boards, commissions and agencies created by the
20 Constitution; all officers, departments, boards, commissions,
21 agencies, institutions, authorities, universities, and bodies
22 politic and corporate of the State; administrative units or
23 corporate outgrowths of the State government which are
24 created by or pursuant to statute, other than units of local
25 government and their officers, school districts and boards of
26 election commissioners; and all administrative units and
27 corporate outgrowths of the above and as may be created by
28 executive order of the Governor; however, "State agencies"
29 does not include any agency, officer, or other entity of the
30 judicial or legislative branch.

31 As used in this subdivision (q), "records" means public
32 records, as defined in the Freedom of Information Act, that
33 are not exempt from inspection and copying under that Act.

34 The State Librarian and each appropriate State agency

1 shall specify the types and categories of records that shall
2 be accessible through the public computer network and the
3 types and categories of records that shall be inaccessible.
4 Records currently held by a State agency and documents that
5 are required to be provided to the Illinois State Library in
6 accordance with Section 21 shall be provided to the Illinois
7 State Library in an appropriate electronic format when
8 feasible. The cost to each State agency of making records
9 accessible through the public computer network or of
10 providing records in an appropriate electronic format shall
11 be considered in making determinations regarding
12 accessibility.

13 As soon as possible and no later than 18 months after the
14 effective date of this amendatory Act of 1995, the types and
15 categories of information, specified by the State Librarian
16 and each appropriate State agency, shall be made available to
17 the public by means of access by way of the largest
18 nonproprietary, nonprofit cooperative public computer
19 network. The information shall be made available in one or
20 more formats and by one or more means in order to provide the
21 greatest feasible access to the general public in this State.
22 Any person who accesses the information may access all or any
23 part of the information. The information may also be made
24 available by any other means of access that would facilitate
25 public access to the information. The information shall be
26 made available in the shortest feasible time after it is
27 publicly available.

28 Any documentation that describes the electronic digital
29 formats of the information shall be made available by means
30 of access by way of the same public computer network.

31 Personal information concerning a person who accesses the
32 information may be maintained only for the purpose of
33 providing service to the person.

34 The electronic public access provided by way of the

1 public computer network shall be in addition to other
2 electronic or print distribution of the information.

3 No action taken under this subdivision (q) shall be
4 deemed to alter or relinquish any copyright or other
5 proprietary interest or entitlement of the State of Illinois
6 relating to any of the information made available under this
7 subdivision (q).

8 (r) Coordinate literacy programs for the Secretary of
9 State.

10 (s) Provide coordination of statewide preservation
11 planning, act as a focal point for preservation advocacy,
12 assess statewide needs and establish specific programs to
13 meet those needs, and manage state funds appropriated for
14 preservation work relating to the preservation of the library
15 and archival resources of Illinois.

16 (t) Create and maintain a State Government Report
17 Distribution Center for the General Assembly. The Center
18 shall receive all reports in all formats available required
19 by law or resolution to be filed with the General Assembly
20 and shall furnish copies of such reports on the same day on
21 which the report is filed with the Clerk of the House of
22 Representatives and the Secretary of the Senate, as required
23 by the General Assembly Organization Act, without charge to
24 members of the General Assembly upon request. This paragraph
25 does not affect the requirements of Section 21 of this Act
26 relating to the deposit of State publications with the State
27 library.

28 (Source: P.A. 91-507, eff. 8-13-99; revised 2-25-00.)

29 Section 10.4. The State Treasurer Act is amended by
30 changing Section 16.5 as follows:

31 (15 ILCS 505/16.5)

32 Sec. 16.5. College Savings Pool. The State Treasurer

1 may establish and administer a College Savings Pool to
2 supplement and enhance the investment opportunities otherwise
3 available to persons seeking to finance the costs of higher
4 education. The State Treasurer, in administering the College
5 Savings Pool, may receive moneys paid into the pool by a
6 participant and may serve as the fiscal agent of that
7 participant for the purpose of holding and investing those
8 moneys.

9 "Participant", as used in this Section, means any person
10 that makes investments in the pool. "Designated
11 beneficiary", as used in this Section, means any person on
12 whose behalf an account is established in the College Savings
13 Pool by a participant. Both in-state and out-of-state persons
14 may be participants and designated beneficiaries in the
15 College Savings Pool.

16 New accounts in the College Savings Pool shall be
17 processed through participating financial institutions.
18 "Participating financial institution", as used in this
19 Section, means any financial institution insured by the
20 Federal Deposit Insurance Corporation and lawfully doing
21 business in the State of Illinois and any credit union
22 approved by the State Treasurer and lawfully doing business
23 in the State of Illinois that agrees to process new accounts
24 in the College Savings Pool. Participating financial
25 institutions may charge a processing fee to participants to
26 open an account in the pool that shall not exceed \$30 until
27 the year 2001. Beginning in 2001 and every year thereafter,
28 the maximum fee limit shall be adjusted by the Treasurer
29 based on the Consumer Price Index for the North Central
30 Region as published by the United States Department of Labor,
31 Bureau of Labor Statistics for the immediately preceding
32 calendar year. Every contribution received by a financial
33 institution for investment in the College Savings Pool shall
34 be transferred from the financial institution to a location

1 selected by the State Treasurer within one business day
2 following the day that the funds must be made available in
3 accordance with federal law. All communications from the
4 State Treasurer to participants shall reference the
5 participating financial institution at which the account was
6 processed.

7 The Treasurer may invest the moneys in the College
8 Savings Pool in the same manner, in the same types of
9 investments, and subject to the same limitations provided for
10 the investment of moneys by the Illinois State Board of
11 Investment. To enhance the safety and liquidity of the
12 College Savings Pool, to ensure the diversification of the
13 investment portfolio of the pool, and in an effort to keep
14 investment dollars in the State of Illinois, the State
15 Treasurer shall make a percentage of each account available
16 for investment in participating financial institutions doing
17 business in the State. The State Treasurer shall deposit
18 with the participating financial institution at which the
19 account was processed the following percentage of each
20 account at a prevailing rate offered by the institution,
21 provided that the deposit is federally insured or fully
22 collateralized and the institution accepts the deposit: 10%
23 of the total amount of each account for which the current age
24 of the beneficiary is less than 7 years of age, 20% of the
25 total amount of each account for which the beneficiary is at
26 least 7 years of age and less than 12 years of age, and 50%
27 of the total amount of each account for which the current age
28 of the beneficiary is at least 12 years of age. The State
29 Treasurer shall adjust each account at least annually to
30 ensure compliance with this Section. The Treasurer shall
31 develop, publish, and implement an investment policy covering
32 the investment of the moneys in the College Savings Pool. The
33 policy shall be published (i) at least once each year in at
34 least one newspaper of general circulation in both

1 Springfield and Chicago and (ii) each year as part of the
2 audit of the College Savings Pool by the Auditor General,
3 which shall be distributed to all participants. The Treasurer
4 shall notify all participants in writing, and the Treasurer
5 shall publish in a newspaper of general circulation in both
6 Chicago and Springfield, any changes to the previously
7 published investment policy at least 30 calendar days before
8 implementing the policy. Any investment policy adopted by the
9 Treasurer shall be reviewed and updated if necessary within
10 90 days following the date that the State Treasurer takes
11 office.

12 Participants shall be required to use moneys distributed
13 from the College Savings Pool for qualified expenses at
14 eligible educational institutions. "Qualified expenses", as
15 used in this Section, means the following: (i) tuition, fees,
16 and the costs of books, supplies, and equipment required for
17 enrollment or attendance at an eligible educational
18 institution and (ii) certain room and board expenses incurred
19 while attending an eligible educational institution at least
20 half-time. "Eligible educational institutions", as used in
21 this Section, means public and private colleges, junior
22 colleges, graduate schools, and certain vocational
23 institutions that are described in Section 481 of the Higher
24 Education Act of 1965 (20 U.S.C. 1088) and that are eligible
25 to participate in Department of Education student aid
26 programs. A student shall be considered to be enrolled at
27 least half-time if the student is enrolled for at least half
28 the full-time academic work load for the course of study the
29 student is pursuing as determined under the standards of the
30 institution at which the student is enrolled. Distributions
31 made from the pool for qualified expenses shall be made
32 directly to the eligible educational institution, directly to
33 a vendor, or in the form of a check payable to both the
34 beneficiary and the institution or vendor. Any moneys that

1 are distributed in any other manner or that are used for
2 expenses other than qualified expenses at an eligible
3 educational institution shall be subject to a penalty of 10%
4 of the earnings unless the beneficiary dies, becomes
5 disabled, or receives a scholarship that equals or exceeds
6 the distribution. Penalties shall be withheld at the time the
7 distribution is made.

8 The Treasurer shall limit the contributions that may be
9 made on behalf of a designated beneficiary based on an
10 actuarial estimate of what is required to pay tuition, fees,
11 and room and board for 5 undergraduate years at the highest
12 cost eligible educational institution. The contributions made
13 on behalf of a beneficiary who is also a beneficiary under
14 the Illinois Prepaid Tuition Program shall be further
15 restricted to ensure that the contributions in both programs
16 combined do not exceed the limit established for the College
17 Savings Pool. The Treasurer shall provide the Illinois
18 Student Assistance Commission each year at a time designated
19 by the Commission, an electronic report of all participant
20 accounts in the Treasurer's College Savings Pool, listing
21 total contributions and disbursements from each individual
22 account during the previous calendar year. As soon
23 thereafter as is possible following receipt of the
24 Treasurer's report, the Illinois Student Assistance
25 Commission shall, in turn, provide the Treasurer with an
26 electronic report listing those College Savings Pool
27 participants who also participate in the State's prepaid
28 tuition program, administered by the Commission. The
29 Commission shall be responsible for filing any combined tax
30 reports regarding State qualified savings programs required
31 by the United States Internal Revenue Service. The Treasurer
32 shall work with the Illinois Student Assistance Commission to
33 coordinate the marketing of the College Savings Pool and the
34 Illinois Prepaid Tuition Program when considered beneficial

1 by the Treasurer and the Director of the Illinois Student
2 Assistance Commission. The Treasurer's office shall not
3 publicize or otherwise market the College Savings Pool or
4 accept any moneys into the College Savings Pool prior to
5 March 1, 2000. The Treasurer shall provide a separate
6 accounting for each designated beneficiary to each
7 participant, the Illinois Student Assistance Commission, and
8 the participating financial institution at which the account
9 was processed. No interest in the program may be pledged as
10 security for a loan.

11 The assets of the College Savings Pool and its income and
12 operation shall be exempt from all taxation by the State of
13 Illinois and any of its subdivisions. The accrued earnings
14 on investments in the Pool once disbursed on behalf of a
15 designated beneficiary shall be similarly exempt from all
16 taxation by the State of Illinois and its subdivisions, so
17 long as they are used for qualified expenses. The provisions
18 of this paragraph are exempt from Section 250 of the Illinois
19 Income Tax Act.

20 The Treasurer shall adopt rules he or she considers
21 necessary for the efficient administration of the College
22 Savings Pool. The rules shall provide whatever additional
23 parameters and restrictions are necessary to ensure that the
24 College Savings Pool meets all of the requirements for a
25 qualified state tuition program under Section 529 of the
26 Internal Revenue Code (26 U.S.C. 529 52). The rules shall
27 provide for the administration expenses of the pool to be
28 paid from its earnings and for the investment earnings in
29 excess of the expenses and all moneys collected as penalties
30 to be credited or paid monthly to the several participants in
31 the pool in a manner which equitably reflects the differing
32 amounts of their respective investments in the pool and the
33 differing periods of time for which those amounts were in the
34 custody of the pool. Also, the rules shall require the

1 maintenance of records that enable the Treasurer's office to
 2 produce a report for each account in the pool at least
 3 annually that documents the account balance and investment
 4 earnings. Notice of any proposed amendments to the rules and
 5 regulations shall be provided to all participants prior to
 6 adoption. Amendments to rules and regulations shall apply
 7 only to contributions made after the adoption of the
 8 amendment.

9 Upon creating the College Savings Pool, the State
 10 Treasurer shall give bond with 2 or more sufficient sureties,
 11 payable to and for the benefit of the participants in the
 12 College Savings Pool, in the penal sum of \$1,000,000,
 13 conditioned upon the faithful discharge of his or her duties
 14 in relation to the College Savings Pool.

15 (Source: P.A. 91-607, eff. 1-1-00; 91-829, eff. 1-1-01;
 16 revised 7-3-00.)

17 Section 11. The Civil Administrative Code of Illinois is
 18 amended by changing the heading to Article 1, adding Section
 19 1-2 and changing Sections 1-5, 5-300, 5-310, 5-315, 5-320,
 20 5-325, 5-330, 5-335, 5-340, 5-345, 5-350, 5-355, 5-360,
 21 5-365, 5-370, 5-375, 5-385, 5-390, 5-395, 5-400, 5-410,
 22 5-415, 5-420, and 5-550 as follows:

23 (20 ILCS 5/Art. 1 heading)

24 ARTICLE 1. ~~SHORT-TITLE-AND~~ GENERAL PROVISIONS

25 (20 ILCS 5/1-2 new)

26 Sec. 1-2. Article short title. This Article may be cited
 27 as the General Provisions Article of the Civil Administrative
 28 Code of Illinois.

29 (20 ILCS 5/1-5)

30 Sec. 1-5. Articles. The Civil Administrative Code of

1 Illinois consists of the following Articles:

2 Article 1. ~~Short-title-and~~ General Provisions (20 ILCS
3 5/1-1 and following).

4 Article 5. Departments of State Government Law (20 ILCS
5 5/5-1 and following).

6 Article 50. State Budget Law (15 ILCS 20/ 50+).

7 Article 110. Department on Aging Law (20 ILCS 110/).

8 Article 205. Department of Agriculture Law (20 ILCS
9 205/).

10 Article 250. State Fair Grounds Title Law (5 ILCS 620/
11 250+).

12 Article 310. Department of Human Services (Alcoholism and
13 Substance Abuse) Law (20 ILCS 310/).

14 Article 405. Department of Central Management Services
15 Law (20 ILCS 405/).

16 Article 510. Department of Children and Family Services
17 Powers Law (20 ILCS 510/).

18 Article 605. Department of Commerce and Community Affairs
19 Law (20 ILCS 605/).

20 Article 805. Department of Natural Resources
21 (Conservation) Law (20 ILCS 805/).

22 Article 1005. Department of Employment Security Law (20
23 ILCS 1005/).

24 Article 1405. Department of Insurance Law (20 ILCS
25 1405/).

26 Article 1505. Department of Labor Law (20 ILCS 1505/).

27 Article 1710. Department of Human Services (Mental Health
28 and Developmental Disabilities) Law (20 ILCS 1710/).

29 Article 1905. Department of Natural Resources (Mines and
30 Minerals) Law (20 ILCS 1905/).

31 Article 2005. Department of Nuclear Safety Law (20 ILCS
32 2005/).

33 Article 2105. Department of Professional Regulation Law
34 (20 ILCS 2105/).

1 Article 2205. Department of Public Aid Law (20 ILCS
2 2205/).

3 Article 2310. Department of Public Health Powers and
4 Duties Law (20 ILCS 2310/).

5 Article 2505. Department of Revenue Law (20 ILCS 2505/).

6 Article 2605. Department of State Police Law (20 ILCS
7 2605/).

8 Article 2705. Department of Transportation Law (20 ILCS
9 2705/).

10 Article 3000. University of Illinois Exercise of
11 Functions and Duties Law (110 ILCS 355/).

12 (Source: P.A. 91-239, eff. 1-1-00; revised 7-27-99.)

13 (20 ILCS 5/5-300) (was 20 ILCS 5/9)

14 Sec. 5-300. Officers' qualifications and salaries. The
15 executive and administrative officers, whose offices are
16 created by this Act, must have the qualifications prescribed
17 by law and shall receive annual salaries, payable in equal
18 monthly installments, as designated in the Sections following
19 this Section and preceding Section 5-500 9-31. If set by the
20 Governor, those annual salaries may not exceed 85% of the
21 Governor's annual salary.

22 (Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00;
23 revised 8-2-99.)

24 (20 ILCS 5/5-310) (was 20 ILCS 5/9.21)

25 Sec. 5-310. In the Department on Aging. The Director of
26 Aging shall receive an annual salary as set by the Governor
27 from time to time or as set by the Compensation Review Board,
28 whichever is greater.

29 (Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00;
30 revised 8-1-99.)

31 (20 ILCS 5/5-315) (was 20 ILCS 5/9.02)

1 Sec. 5-315. In the Department of Agriculture. The
2 Director of Agriculture shall receive an annual salary as set
3 by the Governor from time to time or as set by the
4 Compensation Review Board, whichever is greater.

5 The Assistant Director of Agriculture shall receive an
6 annual salary as set by the Governor from time to time or as
7 set by the Compensation Review Board, whichever is greater.

8 (Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00;
9 revised 8-1-99.)

10 (20 ILCS 5/5-320) (was 20 ILCS 5/9.19)

11 Sec. 5-320. In the Department of Central Management
12 Services. The Director of Central Management Services shall
13 receive an annual salary as set by the Governor from time to
14 time or an amount set by the Compensation Review Board,
15 whichever is greater.

16 Each Assistant Director of Central Management Services
17 shall receive an annual salary as set by the Governor from
18 time to time or an amount set by the Compensation Review
19 Board, whichever is greater.

20 (Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00;
21 revised 8-1-99.)

22 (20 ILCS 5/5-325) (was 20 ILCS 5/9.16)

23 Sec. 5-325. In the Department of Children and Family
24 Services. The Director of Children and Family Services shall
25 receive an annual salary as set by the Governor from time to
26 time or as set by the Compensation Review Board, whichever is
27 greater.

28 (Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00;
29 revised 8-1-99.)

30 (20 ILCS 5/5-330) (was 20 ILCS 5/9.18)

31 Sec. 5-330. In the Department of Commerce and Community

1 Affairs. The Director of Commerce and Community Affairs
2 shall receive an annual salary as set by the Governor from
3 time to time or as set by the Compensation Review Board,
4 whichever is greater.

5 The Assistant Director of Commerce and Community Affairs
6 shall receive an annual salary as set by the Governor from
7 time to time or as set by the Compensation Review Board,
8 whichever is greater.

9 (Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00;
10 revised 8-1-99.)

11 (20 ILCS 5/5-335) (was 20 ILCS 5/9.11a)

12 Sec. 5-335. In the Department of Corrections. The
13 Director of Corrections shall receive an annual salary as set
14 by the Governor from time to time or as set by the
15 Compensation Review Board, whichever is greater.

16 The Assistant Director of Corrections - Juvenile Division
17 shall receive an annual salary as set by the Governor from
18 time to time or as set by the Compensation Review Board,
19 whichever is greater.

20 The Assistant Director of Corrections - Adult Division
21 shall receive an annual salary as set by the Governor from
22 time to time or as set by the Compensation Review Board,
23 whichever is greater.

24 (Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00;
25 revised 8-1-99.)

26 (20 ILCS 5/5-340) (was 20 ILCS 5/9.30)

27 Sec. 5-340. In the Department of Employment Security.
28 The Director of Employment Security shall receive an annual
29 salary of as set by the Governor from time to time or an
30 amount set by the Compensation Review Board, whichever is
31 greater.

32 Each member of the Board of Review shall receive \$15,000.

1 (Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00;
2 revised 8-1-99.)

3 (20 ILCS 5/5-345) (was 20 ILCS 5/9.15)

4 Sec. 5-345. In the Department of Financial Institutions.
5 The Director of Financial Institutions shall receive an
6 annual salary as set by the Governor from time to time or as
7 set by the Compensation Review Board, whichever is greater.

8 The Assistant Director of Financial Institutions shall
9 receive an annual salary as set by the Governor from time to
10 time or as set by the Compensation Review Board, whichever is
11 greater.

12 (Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00;
13 revised 8-1-99.)

14 (20 ILCS 5/5-350) (was 20 ILCS 5/9.24)

15 Sec. 5-350. In the Department of Human Rights. The
16 Director of Human Rights shall receive an annual salary as
17 set by the Governor from time to time or as set by the
18 Compensation Review Board, whichever is greater.

19 (Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00;
20 revised 8-1-99.)

21 (20 ILCS 5/5-355) (was 20 ILCS 5/9.05a)

22 Sec. 5-355. In the Department of Human Services. The
23 Secretary of Human Services shall receive an annual salary as
24 set by the Governor from time to time 5-335-Law or such other
25 amount as may be set by the Compensation Review Board,
26 whichever is greater.

27 The Assistant Secretaries of Human Services shall each
28 receive an annual salary as set by the Governor from time to
29 time 5-395-Law or such other amount as may be set by the
30 Compensation Review Board, whichever is greater.

31 (Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00;

1 revised 8-1-99.)

2 (20 ILCS 5/5-360) (was 20 ILCS 5/9.10)

3 Sec. 5-360. In the Department of Insurance. The Director
4 of Insurance shall receive an annual salary as set by the
5 Governor from time to time or as set by the Compensation
6 Review Board, whichever is greater.

7 The Assistant Director of Insurance shall receive an
8 annual salary as set by the Governor from time to time or as
9 set by the Compensation Review Board, whichever is greater.

10 (Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00;
11 revised 8-1-99.)

12 (20 ILCS 5/5-365) (was 20 ILCS 5/9.03)

13 Sec. 5-365. In the Department of Labor. The Director of
14 Labor shall receive an annual salary as set by the Governor
15 from time to time or as set by the Compensation Review Board,
16 whichever is greater.

17 The Assistant Director of Labor shall receive an annual
18 salary as set by the Governor from time to time or as set by
19 the Compensation Review Board, whichever is greater.

20 The Chief Factory Inspector shall receive \$24,700 from
21 the third Monday in January, 1979 to the third Monday in
22 January, 1980, and \$25,000 thereafter, or as set by the
23 Compensation Review Board, whichever is greater.

24 The Superintendent of Safety Inspection and Education
25 shall receive \$27,500, or as set by the Compensation Review
26 Board, whichever is greater.

27 The Superintendent of Women's and Children's Employment
28 shall receive \$22,000 from the third Monday in January, 1979
29 to the third Monday in January, 1980, and \$22,500 thereafter,
30 or as set by the Compensation Review Board, whichever is
31 greater.

32 (Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00;

1 revised 8-1-99.)

2 (20 ILCS 5/5-370) (was 20 ILCS 5/9.31)

3 Sec. 5-370. In the Department of the Lottery. The
4 Director of the Lottery shall receive an annual salary as set
5 by the Governor from time to time or an amount set by the
6 Compensation Review Board, whichever is greater.

7 (Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00;
8 revised 8-1-99.)

9 (20 ILCS 5/5-375) (was 20 ILCS 5/9.09)

10 Sec. 5-375. In the Department of Natural Resources. The
11 Director of Natural Resources shall continue to receive the
12 annual salary set by law for the Director of Conservation
13 until January 20, 1997. Beginning on that date, the Director
14 of Natural Resources shall receive an annual salary as set by
15 the Governor from time to time or the amount set by the
16 Compensation Review Board, whichever is greater.

17 The Assistant Director of Natural Resources shall
18 continue to receive the annual salary set by law for the
19 Assistant Director of Conservation until January 20, 1997.
20 Beginning on that date, the Assistant Director of Natural
21 Resources shall receive an annual salary as set by the
22 Governor from time to time or the amount set by the
23 Compensation Review Board, whichever is greater.

24 (Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00;
25 revised 8-1-99.)

26 (20 ILCS 5/5-385) (was 20 ILCS 5/9.25)

27 Sec. 5-385. In the Department of Nuclear Safety. The
28 Director of Nuclear Safety shall receive an annual salary as
29 set by the Governor from time to time or as set by the
30 Compensation Review Board, whichever is greater.

31 (Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00;

1 revised 8-1-99.)

2 (20 ILCS 5/5-390) (was 20 ILCS 5/9.08)

3 Sec. 5-390. In the Department of Professional Regulation.
4 The Director of Professional Regulation shall receive an
5 annual salary as set by the Governor from time to time or as
6 set by the Compensation Review Board, whichever is greater.
7 (Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00;
8 revised 8-1-99.)

9 (20 ILCS 5/5-395) (was 20 ILCS 5/9.17)

10 Sec. 5-395. In the Department of Public Aid. The
11 Director of Public Aid shall receive an annual salary as set
12 by the Governor from time to time or as set by the
13 Compensation Review Board, whichever is greater.

14 The Assistant Director of Public Aid shall receive an
15 annual salary as set by the Governor from time to time or as
16 set by the Compensation Review Board, whichever is greater.
17 (Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00;
18 revised 8-1-99.)

19 (20 ILCS 5/5-400) (was 20 ILCS 5/9.07)

20 Sec. 5-400. In the Department of Public Health. The
21 Director of Public Health shall receive an annual salary as
22 set by the Governor from time to time or as set by the
23 Compensation Review Board, whichever is greater.

24 The Assistant Director of Public Health shall receive an
25 annual salary as set by the Governor from time to time or as
26 set by the Compensation Review Board, whichever is greater.
27 (Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00;
28 revised 8-1-99.)

29 (20 ILCS 5/5-410) (was 20 ILCS 5/9.11)

30 Sec. 5-410. In the Department of State Police. The

1 Director of State Police shall receive an annual salary as
2 set by the Governor from time to time or as set by the
3 Compensation Review Board, whichever is greater.

4 The Assistant Director of State Police shall receive an
5 annual salary as set by the Governor from time to time or as
6 set by the Compensation Review Board, whichever is greater.

7 (Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00;
8 revised 8-1-99.)

9 (20 ILCS 5/5-415) (was 20 ILCS 5/9.05)

10 Sec. 5-415. In the Department of Transportation. The
11 Secretary of Transportation shall receive an annual salary as
12 set by the Governor from time to time or as set by the
13 Compensation Review Board, whichever is greater.

14 The Assistant Secretary of Transportation shall receive
15 an annual salary as set by the Governor from time to time or
16 as set by the Compensation Review Board, whichever is
17 greater.

18 (Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00;
19 revised 8-1-99.)

20 (20 ILCS 5/5-420) (was 20 ILCS 5/9.22)

21 Sec. 5-420. In the Department of Veterans' Affairs. The
22 Director of Veterans' Affairs shall receive an annual salary
23 as set by the Governor from time to time or as set by the
24 Compensation Review Board, whichever is greater.

25 The Assistant Director of Veterans' Affairs shall receive
26 an annual salary as set by the Governor from time to time or
27 as set by the Compensation Review Board, whichever is
28 greater.

29 (Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00;
30 revised 8-1-99.)

31 (20 ILCS 5/5-550) (was 20 ILCS 5/6.23)

1 Sec. 5-550. In the Department of Human Services. A
2 State Rehabilitation Council, hereinafter referred to as the
3 Council, is hereby established for the purpose of advising
4 the Secretary and the vocational rehabilitation administrator
5 of the provisions of the federal Rehabilitation Act of 1973
6 and the Americans with Disabilities Act of 1990 in matters
7 concerning individuals with disabilities and the provision of
8 rehabilitation services. The Council shall consist of 25
9 members appointed by the Governor after soliciting
10 recommendations from representatives of organizations
11 representing a broad range of individuals with disabilities
12 and organizations interested in individuals with
13 disabilities. The Governor shall appoint to this Council the
14 following:

15 (1) One representative of a parent training center
16 established in accordance with the federal Individuals
17 with Disabilities Education Act.

18 (2) One representative of the client assistance
19 program.

20 (3) One vocational rehabilitation counselor who has
21 knowledge of and experience with vocational
22 rehabilitation programs. (If an employee of the
23 Department is appointed, that appointee shall serve as an
24 ex officio, nonvoting member.)

25 (4) One representative of community rehabilitation
26 program service providers.

27 (5) Four representatives of business, industry, and
28 labor.

29 (6) Eight representatives of disability advocacy
30 groups representing a cross section of the following:

31 (A) individuals with physical, cognitive,
32 sensory, and mental disabilities; and

33 (B) parents, family members, guardians,
34 advocates, or authorized representative of

1 individuals with disabilities who have difficulty in
2 representing themselves or who are unable, due to
3 their disabilities, to represent themselves.

4 (7) One current or former applicant for, or
5 recipient of, vocational rehabilitation services.

6 (8) Three representatives from secondary or higher
7 education.

8 (9) One representative of the State Workforce
9 Investment Board.

10 (10) One representative of the Illinois State Board
11 of Education who is knowledgeable about the Individuals
12 with Disabilities Education Act.

13 The chairperson of, or a member designated by, the Statewide
14 Independent Living Council created under Section 12a of the
15 Disabled Persons Rehabilitation Act, the chairperson of the
16 Blind Services Planning Council created under the Bureau for
17 the Blind Act, and the vocational rehabilitation
18 administrator shall serve as ex officio members. The
19 vocational rehabilitation administrator shall have no vote.

20 The Council shall select a Chairperson.

21 The Chairperson and at least 12 other members of the
22 Council shall have a recognized disability. One member shall
23 be a senior citizen age 60 or over. A majority of the
24 Council members shall not be employees of the Department of
25 Human Services. Current members of the Rehabilitation
26 Services Council shall serve until members of the newly
27 created Council are appointed.

28 The terms of all members appointed before the effective
29 date of Public Act 88-10 shall expire on July 1, 1993. The
30 members first appointed under Public Act 88-10 shall be
31 appointed to serve for staggered terms beginning July 1,
32 1993, as follows: 7 members shall be appointed for terms of
33 3 years, 7 members shall be appointed for terms of 2 years,
34 and 6 members shall be appointed for terms of one year.

1 Thereafter, all appointments shall be for terms of 3 years.
2 Vacancies shall be filled for the unexpired term.
3 Appointments to fill vacancies in unexpired terms and new
4 terms shall be filled by the Governor or by the Council if
5 the Governor delegates that power to the Council by executive
6 order. Members shall serve until their successors are
7 appointed and qualified. No member, except the
8 representative of the client assistance program, shall serve
9 for more than 2 full terms.

10 Members shall be reimbursed for their actual expenses
11 incurred in the performance of their duties, including
12 expenses for travel, child care, and personal assistance
13 services, and a member who is not employed or who must
14 forfeit wages from other employment shall be paid reasonable
15 compensation for each day the member is engaged in performing
16 the duties of the Council.

17 The Council shall meet at least 4 times per year at times
18 and places designated by the Chairman upon 10 days written
19 notice to the members. Special meetings may be called by the
20 Chairperson or 7 members of the Council upon 7 days written
21 notice to the other members. Nine members shall constitute a
22 quorum. No member of the Council shall cast a vote on any
23 matter that would provide direct financial benefit to the
24 member or otherwise give the appearance of a conflict of
25 interest under Illinois law.

26 The Council shall prepare and submit to the vocational
27 rehabilitation administrator the reports and findings that
28 the vocational rehabilitation administrator ~~or~~--she may
29 request or that the Council deems fit. The Council shall
30 select jointly with the vocational rehabilitation
31 administrator a pool of qualified persons to serve as
32 impartial hearing officers. The Council shall, with the
33 vocational rehabilitation unit in the Department, jointly
34 develop, agree to, and review annually State goals and

1 priorities and jointly submit annual reports of progress to
2 the federal Commissioner of the Rehabilitation Services
3 Administration.

4 To the extent that there is a disagreement between the
5 Council and the unit within the Department of Human Services
6 responsible for the administration of the vocational
7 rehabilitation program, regarding the resources necessary to
8 carry out the functions of the Council as set forth in this
9 Section, the disagreement shall be resolved by the Governor.
10 (Source: P.A. 90-453, eff. 8-16-97; 91-239, eff. 1-1-00;
11 91-540, eff. 8-13-99; revised 8-25-99.)

12 Section 13. The Department of Agriculture Law of the
13 Civil Administrative Code of Illinois is amended by
14 renumbering Section 40.43 and changing Section 205-60 as
15 follows:

16 (20 ILCS 205/205-47) (was 20 ILCS 205/40.43)

17 Sec. 205-47. ~~40-43~~. Value Added Agricultural Products.

18 (a) To expend funds appropriated to the Department of
19 Agriculture to develop and implement a grant program for
20 value added agricultural products, to be called the "Illinois
21 Value-Added Agriculture Enhancement Program". The grants are
22 to provide 50% of (i) the cost of undertaking feasibility
23 studies, competitive assessments, and consulting or
24 productivity services that the Department determines may
25 result in enhancement of value added agricultural products
26 and (ii) seed money for new or expanding agribusiness.

27 (b) "Agribusiness" means any sole proprietorship,
28 limited partnership, copartnership, joint venture,
29 corporation, or cooperative that operates or will operate a
30 facility located within the State of Illinois that is related
31 to the processing of agricultural commodities (including,
32 without limitation, the products of aquaculture, hydroponics,

1 and silviculture) or the manufacturing, production, or
2 construction of agricultural buildings, structures,
3 equipment, implements, and supplies, or any other facilities
4 or processes used in agricultural production. Agribusiness
5 includes but is not limited to the following:

6 (1) grain handling and processing, including grain
7 storage, drying, treatment, conditioning, milling, and
8 packaging;

9 (2) seed and feed grain development and processing;

10 (3) fruit and vegetable processing, including
11 preparation, canning, and packaging;

12 (4) processing of livestock and livestock products,
13 dairy products, poultry and poultry products, fish, or
14 apiarian products, including slaughter, shearing,
15 collecting, preparation, canning, and packaging;

16 (5) fertilizer and agricultural chemical
17 manufacturing, processing, application, and supplying;

18 (6) farm machinery, equipment, and implement
19 manufacturing and supplying;

20 (7) manufacturing and supplying of agricultural
21 commodity processing machinery and equipment, including
22 machinery and equipment used in slaughter, treatment,
23 handling, collecting, preparation, canning, or packaging
24 of agricultural commodities;

25 (8) farm building and farm structure manufacturing,
26 construction, and supplying;

27 (9) construction, manufacturing, implementation,
28 supplying, or servicing of irrigation, drainage, and soil
29 and water conservation devices or equipment;

30 (10) fuel processing and development facilities
31 that produce fuel from agricultural commodities or
32 by-products;

33 (11) facilities and equipment for processing and
34 packaging agricultural commodities specifically for

1 export;

2 (12) facilities and equipment for forestry product
3 processing and supplying, including sawmilling
4 operations, wood chip operations, timber harvesting
5 operations, and manufacturing of prefabricated buildings,
6 paper, furniture, or other goods from forestry products;
7 and

8 (13) facilities and equipment for research and
9 development of products, processes, and equipment for the
10 production, processing, preparation, or packaging of
11 agricultural commodities and by-products.

12 (c) The "Illinois Value-Added Agriculture Enhancement
13 Program Fund" is created as a special fund in the State
14 Treasury to provide grants to Illinois' small agribusinesses,
15 subject to appropriation for that purpose. Each grant
16 awarded under this program shall provide funding for up to
17 50% of the cost of (i) the development of valued added
18 agricultural products or (ii) seed money for new or expanding
19 agribusiness, not to exceed 50% of appropriated funds.
20 Notwithstanding the other provisions of this paragraph, the
21 fund shall not be used to provide seed money to an Illinois
22 small agribusiness for the purpose of compliance with the
23 provisions of the Livestock Management Facilities Act.

24 (d) For the purposes of this Section, "Illinois small
25 agribusiness" means a "small business concern" as defined in
26 Title 15 United States Code, Section 632, that primarily
27 conducts its business in Illinois.

28 (e) The Department shall make such rules and regulations
29 as may be necessary to carry out its statutory duties. Among
30 other duties, the Department, through the program, may do all
31 of the following:

32 (1) Make and enter into contracts, including but
33 not limited to making grants specified by the General
34 Assembly pursuant to appropriations by the General

1 Assembly from the Illinois Value-Added Agriculture
2 Enhancement Program Fund, and generally to do all such
3 things as, in its judgment, may be necessary, proper, and
4 expedient in accomplishing its duties.

5 (2) Provide for, staff, and administer a program in
6 which the Department shall plan and coordinate State
7 efforts designed to aid and stimulate the development of
8 value-added agribusiness.

9 (3) Make grants on the terms and conditions that
10 the Department shall determine, except that no grant made
11 under the provisions of this item (3) shall exceed 50% of
12 the direct costs.

13 (4) Act as the State Agriculture Planning Agency,
14 and accept and use planning grants or other financial
15 assistance from the federal government (i) for statewide
16 comprehensive planning work including research and
17 coordination activity directly related to agriculture
18 needs; and (ii) for state and inter-state comprehensive
19 planning and research and coordination activity related
20 thereto. All such grants shall be subject to the terms
21 and conditions prescribed by the federal government.

22 (f) The Illinois Value-Added Agricultural Enhancement
23 Fund is subject to the provisions of the Illinois Grant Funds
24 Recovery Act (GFRA).

25 (Source: P.A. 91-560, eff. 8-14-99; revised 10-25-99.)

26 (20 ILCS 205/205-60) (was 20 ILCS 205/40.35)

27 Sec. 205-60. Aquaculture. The Department has the power
28 to develop and implement a program to promote aquaculture and
29 to make grants to an aquaculture cooperative in this State
30 pursuant to the Aquaculture Development Act, to promulgate
31 the necessary rules and regulations, and to cooperate with
32 and seek the assistance of the Department of Natural
33 Resources and the Department of Transportation in the

1 implementation and enforcement of that Act.
 2 (Source: P.A. 91-239, eff. 1-1-00; 91-530, eff. 8-13-99;
 3 revised 10-25-99.)

4 Section 13.5. The Alcoholism and Other Drug Abuse and
 5 Dependency Act is amended by changing Section 10-45 as
 6 follows:

7 (20 ILCS 301/10-45)

8 Sec. 10-45. Membership. The Board shall consist of 16
 9 members:

- 10 (a) The Director of Aging.
- 11 (b) The State Superintendent of Education.
- 12 (c) The Director of Corrections.
- 13 (d) The Director of State Police.
- 14 (e) The Director of Professional Regulation.
- 15 (f) (Blank).
- 16 (g) The Director of Children and Family Services.
- 17 (h) (Blank).
- 18 (i) The Director of Public Aid.
- 19 (j) The Director of Public Health.
- 20 (k) The Secretary of State.
- 21 (l) The Secretary of Transportation.
- 22 (m) The Director of Insurance.
- 23 (n) The Director of the Administrative Office of
 24 the Illinois Courts.
- 25 (o) The Chairman of the Board of Higher Education.
- 26 (p) The Director of Revenue.
- 27 (q) The Executive Director of the Criminal Justice
 28 Information Authority.
- 29 (r) A chairman who shall be appointed by the
 30 Governor for a term of 3 years.

31 Each member may designate a representative to serve in his or
 32 her place by written notice to the Department.

1 (Source: P.A. 88-80; 89-507, eff. 7-1-97; revised 2-23-00.)

2 Section 15. The Department of Children and Family
3 Services Powers Law of the Civil Administrative Code of
4 Illinois is amended by changing Section 510-5 as follows:

5 (20 ILCS 510/510-5)

6 Sec. 510-5. Definition. As used in this Article 510 30,
7 "Department" means the Department of Children and Family
8 Services.

9 (Source: P.A. 91-239, eff. 1-1-00; revised 11-5-99.)

10 Section 16. The Department of Commerce and Community
11 Affairs Law of the Civil Administrative Code of Illinois is
12 amended by changing Sections 605-55, 605-385, 605-415,
13 605-615, 605-705, 605-850, 605-855, 605-860, and 605-940 and
14 renumbering Sections 46.19k, 46.34a, 46.34b, 46.70, 46.71,
15 and 46.76 as follows:

16 (20 ILCS 605/605-55) (was 20 ILCS 605/46.21)

17 Sec. 605-55. Contracts and other acts to accomplish
18 Department's duties. To make and enter into contracts,
19 including but not limited to making grants and loans to units
20 of local government, private agencies as defined in the
21 Illinois State Auditing Act, non-profit corporations,
22 educational institutions, and for-profit businesses as
23 authorized pursuant to appropriations by the General Assembly
24 from the Build Illinois Bond Fund, the Build Illinois
25 Purposes Fund, the Fund for Illinois' Future, the Capital
26 Development Fund, and the General Revenue Fund, and generally
27 to do all things that, in its judgment, may be necessary,
28 proper, and expedient in accomplishing its duties.

29 (Source: P.A. 91-34, eff. 7-1-99; 91-239, eff. 1-1-00;
30 revised 8-3-99.)

1 (20 ILCS 605/605-111) (was 20 ILCS 605/46.34a)

2 Sec. 605-111. Transfer relating to the Illinois Main
3 Street Program. ~~46-34a-~~ To assume from the Office of the
4 Lieutenant Governor on July 1, 1999, all personnel, books,
5 records, papers, documents, property both real and personal,
6 and pending business in any way pertaining to the Illinois
7 Main Street Program. All personnel transferred pursuant to
8 this Section shall receive certified status under the
9 Personnel Code.

10 (Source: P.A. 91-25, eff. 6-9-99; revised 8-2-99.)

11 (20 ILCS 605/605-112) (was 20 ILCS 605/46.34b)

12 Sec. 605-112. Transfer relating to the State Data
13 Center. ~~46-34b-~~ To assume from the Executive Office of the
14 Governor, Bureau of the Budget, on July 1, 1999, all
15 personnel, books, records, papers, documents, property both
16 real and personal, and pending business in any way pertaining
17 to the State Data Center, established pursuant to a
18 Memorandum of Understanding entered into with the Census
19 Bureau pursuant to 15 U.S.C. Section 1525. All personnel
20 transferred pursuant to this Section shall receive certified
21 status under the Personnel Code.

22 (Source: P.A. 91-25, eff. 6-9-99; revised 8-2-99.)

23 (20 ILCS 605/605-323) (was 20 ILCS 605/46.76)

24 Sec. 605-323. ~~46-76-~~ Energy Assistance Contribution
25 Fund.

26 (a) The Department may accept gifts, grants, awards,
27 matching contributions, interest income, appropriations, and
28 cost sharings from individuals, businesses, governments, and
29 other third-party sources, on terms that the Director deems
30 advisable, to assist eligible households, businesses,
31 industries, educational institutions, hospitals, health care
32 facilities, and not-for-profit entities to obtain and

1 maintain reliable and efficient energy related services, or
2 to improve the efficiency of such services.

3 (b) The Energy Assistance Contribution Fund is created
4 as a special fund in the State Treasury, and all moneys
5 received under this Section shall be deposited into that
6 Fund. Moneys in the Energy Assistance Contribution Fund may
7 be expended for purposes consistent with the conditions under
8 which those moneys are received, subject to appropriations
9 made by the General Assembly for those purposes.

10 (Source: P.A. 91-34, eff. 7-1-99; revised 8-3-99.)

11 (20 ILCS 605/605-385) (was 20 ILCS 605/46.62)

12 Sec. 605-385. Technology Challenge Grant Program;
13 Illinois Advanced Technology Enterprise Development and
14 Investment Program. To establish and administer a Technology
15 Challenge Grant Program and an Illinois Technology Enterprise
16 Development and Investment Program as provided by the
17 Technology Advancement and Development Act and to expend
18 appropriations in accordance therewith.

19 (Source: P.A. 91-239, eff. 1-1-00; 91-476, eff. 8-11-99;
20 revised 10-20-99.)

21 (20 ILCS 605/605-415)

22 Sec. 605-415. Job Training and Economic Development
23 Grant Program.

24 (a) Legislative findings. The General Assembly finds
25 that:

26 (1) Despite the large number of unemployed job
27 seekers, many employers are having difficulty matching
28 the skills they require with the skills of workers; a
29 similar problem exists in industries where overall
30 employment may not be expanding but there is an acute
31 need for skilled workers in particular occupations.

32 (2) The State of Illinois should foster local

1 economic development by linking the job training of
2 unemployed disadvantaged citizens with the workforce
3 needs of local business and industry.

4 (3) Employers often need assistance in developing
5 training resources that will provide work opportunities
6 for disadvantaged populations.

7 (b) Definitions. As used in this Section:

8 "Community based provider" means a not-for-profit
9 organization, with local boards of directors, that directly
10 provides job training services.

11 "Disadvantaged persons" has the same meaning as in Titles
12 II-A and II-C of the federal Job Training Partnership Act.

13 "Training partners" means a community-based provider and
14 one or more employers who have established training and
15 placement linkages.

16 (c) From funds appropriated for that purpose, the
17 Department of Commerce and Community Affairs shall administer
18 a Job Training and Economic Development Grant Program. The
19 Director shall make grants to community-based providers. The
20 grants shall be made to support the following:

21 (1) Partnerships between community-based providers
22 and employers for the customized training of existing
23 low-skilled, low-wage employees and newly hired
24 disadvantaged persons.

25 (2) Partnerships between community-based providers
26 and employers to develop and operate training programs
27 that link the work force needs of local industry with the
28 job training of disadvantaged persons.

29 (d) For projects created under paragraph (1) of
30 subsection (c):

31 (1) The Department shall give a priority to
32 projects that include an in-kind match by an employer in
33 partnership with a community-based provider and projects
34 that use instructional materials and training instructors

1 directly used in the specific industry sector of the
2 partnership employer.

3 (2) The partnership employer must be an active
4 participant in the curriculum development and train
5 primarily disadvantaged populations.

6 (e) For projects created under paragraph (2) of
7 subsection (c):

8 (1) Community based organizations shall assess the
9 employment barriers and needs of local residents and work
10 in partnership with local economic development
11 organizations to identify the priority workforce needs of
12 the local industry.

13 (2) Training partners (that is, community-based
14 organizations and employers) shall work together to
15 design programs with maximum benefits to local
16 disadvantaged persons and local employers.

17 (3) Employers must be involved in identifying
18 specific skill-training needs, planning curriculum,
19 assisting in training activities, providing job
20 opportunities, and coordinating job retention for people
21 hired after training through this program and follow-up
22 support.

23 (4) The community-based organizations shall serve
24 disadvantaged persons, including welfare recipients.

25 (f) The Department shall adopt rules for the grant
26 program and shall create a competitive application procedure
27 for those grants to be awarded beginning in fiscal year 1998.
28 Grants shall be based on a performance based contracting
29 system. Each grant shall be based on the cost of providing
30 the training services and the goals negotiated and made a
31 part of the contract between the Department and the training
32 partners. The goals shall include the number of people to be
33 trained, the number who stay in the program, the number who
34 complete the program, the number who enter employment, their

1 wages, and the number who retain employment. The level of
2 success in achieving employment, wage, and retention goals
3 shall be a primary consideration for determining contract
4 renewals and subsequent funding levels. In setting the
5 goals, due consideration shall be given to the education,
6 work experience, and job readiness of the trainees; their
7 barriers to employment; and the local job market. Periodic
8 payments under the contracts shall be based on the degree to
9 which the relevant negotiated goals have been met during the
10 payment period.

11 (Source: P.A. 90-474, eff. 1-1-98; 90-655, eff. 7-30-98;
12 90-758, eff. 8-14-98; 91-34, eff. 7-1-99; 91-239, eff.
13 1-1-00; revised 8-3-99.)

14 (20 ILCS 605/605-512) (was 20 ILCS 605/46.70)

15 (Section scheduled to be repealed on December 31, 2004)

16 Sec. 605-512. ~~46-70~~. Small business incubator grants.

17 (a) Subject to availability of funds in the Small
18 Business Incubator Fund, the Director of Commerce and
19 Community Affairs may make grants to eligible small business
20 incubators in an amount not to exceed 50% of State income
21 taxes paid in the previous calendar year by qualified tenant
22 businesses subject to the restrictions of this Section.

23 (b) There is created a special fund in the State
24 Treasury known as the Small Business Incubator Fund. The
25 money in the Fund may be used only for making grants under
26 subsection (a) of this Section. The Department of Revenue
27 shall certify by March 1 of each year to the General
28 Assembly the amount of State income taxes paid by qualified
29 tenant businesses in the previous year. The Department of
30 Revenue may, by rule, prescribe forms necessary to identify
31 qualified tenant businesses under this Section. An amount
32 equal to 50% of the amount certified by the Department of
33 Revenue shall be appropriated into the Fund annually.

1 (c) Eligible small business incubators that receive a
2 grant under this Section may use the grant only for capital
3 improvements on the building housing the eligible small
4 business incubator. Each small business incubator shall be
5 eligible for a grant equal to no more than 50% of the amount
6 of State income taxes paid in the previous year by qualified
7 tenant businesses of the small business incubator, minus
8 administrative costs. The eligible small business incubator
9 must keep written records of the use of the grant money for a
10 period of 5 years from disbursement.

11 (d) By April 1 of each year, an eligible small business
12 incubator may apply for a grant under this Section on forms
13 developed by the Department. The Department may require
14 applicants to provide proof of eligibility. Upon review of
15 the applications, the Director of Commerce and Community
16 Affairs shall approve or disapprove the application. At the
17 start of each fiscal year or upon approval of the budget for
18 that fiscal year, whichever is later, the Director shall
19 determine the amount of funds available for grants under this
20 Section and shall then approve the grants.

21 (e) For purposes of this Section:

22 (1) "Eligible small business incubator" means an
23 entity that is dedicated to the successful development of
24 entrepreneurial companies, has a specific written policy
25 identifying requirements for a business "to graduate"
26 from the incubator, either owns or leases real estate in
27 which qualified tenant businesses operate, and provides
28 all of the following services: management guidance,
29 rental spaces, shared basic business equipment,
30 technology support services, and assistance in obtaining
31 financing.

32 (2) "Qualified tenant business" means a business
33 that currently leases space from an eligible small
34 business incubator, is less than 5 years old, and either

1 has not fulfilled the eligible small business incubator's
2 graduation requirements or has fulfilled these
3 requirements within the last 5 years.

4 (f) Five percent of the amount that is appropriated
5 annually into the Small Business Incubator Fund shall be
6 allotted to the Department of Commerce and Community Affairs
7 for the purpose of administering, overseeing, and evaluating
8 the grant process and outcome.

9 (g) This Section is repealed on December 31, 2004.

10 The evaluation of the effectiveness of the grant process
11 and subsequent outcome of job and business creation shall
12 recommend the continuation or the repeal of this Section and
13 shall be submitted to the Governor and the General Assembly
14 before December 31, 2003.

15 (Source: P.A. 91-592, eff. 8-14-99; revised 10-26-99.)

16 (20 ILCS 605/605-550) (was 20 ILCS 605/46.71)

17 Sec. 605-550. ~~46-71~~. Model domestic violence and sexual
18 assault employee awareness and assistance policy.

19 (a) The Department shall convene a task force including
20 members of the business community, employees, employee
21 organizations, representatives from the Department of Labor,
22 and directors of domestic violence and sexual assault
23 programs, including representatives of statewide advocacy
24 organizations for the prevention of domestic violence and
25 sexual assault, to develop a model domestic violence and
26 sexual assault employee awareness and assistance policy for
27 businesses.

28 The Department shall give due consideration to the
29 recommendations of the Governor, the President of the Senate,
30 and the Speaker of the House of Representatives for
31 participation by any person on the task force, and shall make
32 reasonable efforts to assure regional balance in membership.

33 (b) The purpose of the model employee awareness and

1 assistance policy shall be to provide businesses with the
2 best practices, policies, protocols, and procedures in order
3 that they ascertain domestic violence and sexual assault
4 awareness in the workplace, assist affected employees, and
5 provide a safe and helpful working environment for employees
6 currently or potentially experiencing the effects of domestic
7 violence or sexual assault. The model plan shall include but
8 not be limited to:

9 (1) the establishment of a definite corporate
10 policy statement recognizing domestic violence and sexual
11 assault as workplace issues as well as promoting the need
12 to maintain job security for those employees currently
13 involved in domestic violence or sexual assault disputes;

14 (2) policy and service publication requirements,
15 including posting these policies and service availability
16 pamphlets in break rooms, on bulletin boards, and in
17 restrooms, and transmitting them through other
18 communication methods;

19 (3) a listing of current domestic violence and
20 sexual assault community resources such as shelters,
21 crisis intervention programs, counseling and case
22 management programs, and legal assistance and advocacy
23 opportunities for affected employees;

24 (4) measures to ensure workplace safety including,
25 where appropriate, designated parking areas, escort
26 services, and other affirmative safeguards;

27 (5) training programs and protocols designed to
28 educate employees and managers in how to recognize,
29 approach, and assist employees experiencing domestic
30 violence or sexual assault, including both victims and
31 batterers; and

32 (6) other issues as shall be appropriate and
33 relevant for the task force in developing the model
34 policy.

1 (c) The model policy shall be reviewed by the task force
2 to assure consistency with existing law and shall be made the
3 subject of public hearings convened by the Department
4 throughout the State at places and at times which are
5 convenient for attendance by the public, after which the
6 policy shall be reviewed by the task force and amended as
7 necessary to reflect concerns raised at the hearings. If
8 approved by the task force, the model policy shall be
9 provided as approved with explanation of its provisions to
10 the Governor and the General Assembly not later than one year
11 after the effective date of this amendatory Act of the 91st
12 General Assembly. The Department shall make every effort to
13 notify businesses of the availability of the model domestic
14 violence and sexual assault employee awareness and assistance
15 policy.

16 (d) The Department, in consultation with the task force,
17 providers of services, the advisory council, the Department
18 of Labor, and representatives of statewide advocacy
19 organizations for the prevention of domestic violence and
20 sexual assault, shall provide technical support, information,
21 and encouragement to businesses to implement the provisions
22 of the model.

23 (e) Nothing contained in this Section shall be deemed to
24 prevent businesses from adopting their own domestic violence
25 and sexual assault employee awareness and assistance policy.

26 (f) The Department shall survey businesses within 4
27 years of the effective date of this amendatory Act of the
28 91st General Assembly to determine the level of model policy
29 adoption amongst businesses and shall take steps necessary to
30 promote the further adoption of such policy.

31 (Source: P.A. 91-592, eff. 8-14-99; revised 10-26-99.)

32 (20 ILCS 605/605-615) (was 20 ILCS 605/46.19e)

33 Sec. 605-615. Assistance with exports. The Department

1 shall have the following duties and responsibilities in
2 regard to the Civil Administrative Code of Illinois:

3 (1) To establish or cosponsor mentoring conferences,
4 utilizing experienced manufacturing exporters, to explain and
5 provide information to prospective export manufacturers and
6 businesses concerning the process of exporting to both
7 domestic and international opportunities.

8 (2) To provide technical assistance to prospective
9 export manufacturers and businesses seeking to establish
10 domestic and international export opportunities.

11 (3) To coordinate with the Department's Small Business
12 Development Centers to link buyers with prospective export
13 manufacturers and businesses.

14 (4) To promote, both domestically and abroad, products
15 made in Illinois in order to inform and advise consumers and
16 buyers of their high quality standards and craftsmanship.

17 (5) To provide technical assistance toward establishment
18 of export trade corporations in the private sector.

19 (6) To develop an electronic data base to compile
20 information on international trade and investment activities
21 in Illinois companies, provide access to research and
22 business opportunities through external data bases, and
23 connect this data base through international communication
24 systems with appropriate domestic and worldwide networks
25 users.

26 (7) To collect and distribute to foreign commercial
27 libraries directories, catalogs, brochures, and other
28 information of value to foreign businesses considering doing
29 business in this State.

30 (8) To establish an export finance awareness program to
31 provide information to banking organizations about methods
32 used by banks to provide financing for businesses engaged in
33 exporting and about other State and federal programs to
34 promote and expedite export financing.

1 (9) To undertake a survey of Illinois' businesses to
2 identify exportable products and the businesses interested in
3 exporting.

4 (Source: P.A. 91-239, eff. 1-1-00; 91-357, eff. 7-29-99;
5 revised 8-5-99.)

6 (20 ILCS 605/605-705) (was 20 ILCS 605/46.6a)

7 Sec. 605-705. Grants to local tourism and convention
8 bureaus.

9 (a) To establish a grant program for local tourism and
10 convention bureaus. The Department will develop and
11 implement a program for the use of funds, as authorized under
12 this Act, by local tourism and convention bureaus. For the
13 purposes of this Act, bureaus eligible to receive funds are
14 defined as those bureaus in legal existence as of January 1,
15 1985 that are either a unit of local government or
16 incorporated as a not-for-profit organization, are affiliated
17 with at least one municipality or county, and employ one full
18 time staff person whose purpose is to promote tourism. Each
19 bureau receiving funds under this Act will be certified by
20 the Department as the designated recipient to serve an area
21 of the State. These funds may not be used in support of the
22 Chicago World's Fair.

23 (b) To distribute grants to local tourism and convention
24 bureaus from appropriations made from the Local Tourism Fund
25 for that purpose. Of the amounts appropriated annually to
26 the Department for expenditure under this Section, one-third
27 of those monies shall be used for grants to convention and
28 tourism bureaus in cities with a population greater than
29 500,000. The remaining two-thirds of the annual
30 appropriation shall be used for grants to convention and
31 tourism bureaus in the remainder of the State, in accordance
32 with a formula based upon the population served. The
33 Department may reserve up to 10% of the total appropriated to

1 conduct audits of grants, to provide incentive funds to those
2 bureaus that will conduct promotional activities designed to
3 further the Department's statewide advertising campaign, to
4 fund special statewide promotional activities, and to fund
5 promotional activities that support an increased use of the
6 State's parks or historic sites.

7 (Source: P.A. 90-26, eff. 7-1-97; 91-239, eff. 1-1-00;
8 91-357, eff. 7-29-99; revised 8-4-99.)

9 (20 ILCS 605/605-817) (was 20 ILCS 605/46.19k)

10 Sec. 605-817. ~~46-19k~~. Family loan program.

11 (a) From amounts appropriated for such purpose, the
12 Department in consultation with the Department of Human
13 Services shall solicit proposals to establish programs to be
14 known as family loan programs. Such programs shall provide
15 small, no-interest loans to custodial parents with income
16 below 200% of the federal poverty level and who are working or
17 enrolled in a post-secondary education program, to aid in
18 covering the costs of unexpected expenses that could
19 interfere with their ability to maintain employment or
20 continue education. Loans awarded through a family loan
21 program may be paid directly to a third party on behalf of a
22 loan recipient and in either case shall not constitute income
23 or resources for the purposes of public assistance and care
24 so long as the funds are used for the intended purpose.

25 (b) The Director shall enter into written agreements
26 with not-for-profit organizations or local government
27 agencies to administer loan pools. Agreements shall be
28 entered into with no more than 4 organizations or agencies,
29 no more than one of which shall be located in the city of
30 Chicago.

31 (c) Program sites shall be approved based on the
32 demonstrated ability of the organization or governmental
33 agency to secure funding from private or public sources

1 sufficient to establish a loan pool to be maintained through
2 repayment agreements entered into by eligible low-income
3 families. Funds awarded by the Department to approved
4 program sites shall be used for the express purposes of
5 covering staffing and administration costs associated with
6 administering the loan pool.

7 (Source: P.A. 91-372, eff. 1-1-00; revised 8-11-99.)

8 (20 ILCS 605/605-850) (was 20 ILCS 605/46.32a in part)

9 Sec. 605-850. Labor-management-community relations;
10 Labor-Management-Community ~~Laber-Management~~ Cooperation
11 Committee.

12 (a) Because economic development investment programs
13 must be supplemented with efforts to maintain a skilled,
14 stable, and diverse workforce able to meet the needs of new
15 and growing business enterprises, the Department shall
16 promote better labor-management-community and government
17 operations by providing assistance in the development of
18 local labor-management-community committees and coalitions
19 established to address employment issues facing families and
20 by helping Illinois current and prospective employers attract
21 and retain a diverse and productive workforce through the
22 promotion and support of dependent care policies and programs
23 in the workplace and community.

24 (b) In the Department there shall be a
25 Labor-Management-Community Cooperation Committee composed of
26 18 public members appointed by the Governor with the advice
27 and consent of the Senate. Six members shall represent
28 executive level management of businesses, 6 members shall
29 represent major labor union leadership, and 6 members shall
30 represent community leadership. The Governor shall designate
31 one † business representative and one † labor representative
32 as cochairmen. Appointed members shall not be represented at
33 a meeting by another person. There shall be 9 ex officio

1 nonvoting members: the Director, who shall serve as
2 Secretary, the Director of Labor, the Secretary of Human
3 Services, the Director of Public Health, the Director of
4 Employment Security, the President of the Senate, the
5 Minority Leader of the Senate, the Speaker of the House of
6 Representatives, and the Minority Leader of the House of
7 Representatives. Each ex officio member shall serve during
8 the term of his or her office. Ex officio members may be
9 represented by duly authorized substitutes.

10 In making the initial public member appointments to the
11 Committee, 3 of the business representatives and 3 of the
12 labor union representatives shall be appointed for terms
13 expiring July 1, 1987. The remaining public members shall be
14 appointed for terms expiring July 1, 1988. The public
15 members appointed under this amendatory Act of the 91st
16 General Assembly shall be divided into 2 groups with the
17 first group having terms that expire on July 1, 2002 and the
18 second group having terms that expire on July 1, 2003.
19 Thereafter, public members of the Committee shall be
20 appointed for terms of 2 years expiring on July 1, or until
21 their successors are appointed and qualified. The Governor
22 may at any time, with the advice and consent of the Senate,
23 make appointments to fill vacancies for the balance of an
24 unexpired term. Public members shall serve without
25 compensation but shall be reimbursed by the Department for
26 necessary expenses incurred in the performance of their
27 duties. The Department shall provide staff assistance to the
28 Committee.

29 (c) The Committee shall have the following duties:

30 (1) To improve communications between labor,
31 management, and communities on significant economic
32 problems facing the State, especially with respect to
33 identifying new ways to attract and retain employees and
34 provide an environment in which employees can do their

1 best work.

2 (2) To encourage and support the development of
3 local labor, management, and community committees at the
4 plant, industry and area levels across the State and
5 encourage and support the development of local coalitions
6 to support the implementation of family-friendly policies
7 in the workplace.

8 (3) To assess the progress of area
9 labor-management-community committees and local
10 coalitions that have been formed across the State and
11 provide input to the Governor and General Assembly
12 concerning grant programs established in this Act.

13 (4) To convene a statewide conference on
14 labor-management-community concerns at least once every 2
15 years and to convene a series of regional work, family,
16 and community planning conferences throughout the State
17 for employers, unions, and community leaders to form
18 local coalitions to share information, pool resources,
19 and address work and family concerns in their own
20 communities.

21 (5) To issue a report on labor-management-community
22 and employment-related family concerns to the Governor
23 and the General Assembly every 2 years. This report
24 shall outline the accomplishments of the Committee and
25 specific recommendations for improving statewide
26 labor-management-community relations and supporting the
27 adoption of family-friendly work practices throughout the
28 State.;

29 (6) To advise the Department on dependent care and
30 other employment-related family initiatives; and

31 (7) To advise the Department on other initiatives
32 to foster maintenance and development of productive,
33 stable, and diverse workforces to supplement and advance
34 community and State investment-based economic development

1 programs.

2 (Source: P.A. 91-239, eff. 1-1-00; 91-357, eff. 7-29-99;
3 91-476, eff. 8-11-99; revised 10-20-99.)

4 (20 ILCS 605/605-855) (was 20 ILCS 605/46.32a in part)

5 Sec. 605-855. Grants to local coalitions and
6 labor-management-community labor-management committees.

7 (a) The Director, with the advice of the
8 Labor-Management-Community Cooperation Committee, shall have
9 the authority to provide grants to employee coalitions or
10 other coalitions that enhance or promote work and family
11 programs and address specific community concerns, and to
12 provide matching grants, grants, and other resources to
13 establish or assist area labor-management-community
14 committees and other projects that serve to enhance
15 labor-management-community relations. The Department shall
16 have the authority, with the advice of the
17 Labor-Management-Community Cooperation Committee, to award
18 grants or matching grants in the following--4 areas as
19 provided in subsections (b) through (g) (e).

20 (b) ~~To provide 60%~~ Matching grants to existing local
21 labor-management-community committees. To be eligible for
22 matching grants pursuant to this subsection, local
23 labor-management-community committees shall meet all of the
24 following criteria:

25 (1) Be a formal, not-for-profit organization
26 structured for continuing service with voluntary
27 membership.

28 (2) Be composed of labor, management, and community
29 representatives.

30 (3) Service a distinct and identifiable geographic
31 region.

32 (4) Be staffed by a professional chief executive
33 officer.

1 (5) Have been established with the Department for
2 at least 2 years.

3 (6) Operate in compliance with rules set forth by
4 the Department with the advice of the
5 Labor-Management-Community Cooperation Committee.

6 (7) Ensure that their efforts and activities are
7 coordinated with relevant agencies, including but not
8 limited to the following:

- 9 Department of Commerce and Community Affairs
- 10 Illinois Department of Labor
- 11 Economic development agencies
- 12 Planning agencies
- 13 Colleges, universities, and community colleges
- 14 U.S. Department of Labor
- 15 Statewide Job Training Partnership Act entities
- 16 or entities under any successor federal workforce
- 17 training and development legislation.

18 Further, the purpose of the local
19 labor-management-community committees will include, but not
20 be limited to, the following:

21 (i) (8) Enhancing the positive
22 labor-management-community relationship within the State,
23 region, community, and/or work place.

24 (ii) (9) Assisting in the retention, expansion, and
25 attraction of businesses and jobs within the State
26 through special training programs, gathering and
27 disseminating information, and providing assistance in
28 local economic development efforts as appropriate.

29 (iii) (10) Creating and maintaining a regular
30 nonadversarial forum for ongoing dialogue between labor,
31 management, and community representatives to discuss and
32 resolve issues of mutual concern outside the realm of the
33 traditional collective bargaining process.

34 (iv) (11) Acting as an intermediary for initiating

1 local programs between unions and employers that would
2 generally improve economic conditions in a region.

3 (v) (12) Encouraging, assisting, and facilitating
4 the development of work-site and industry
5 labor-management-community committees in the region.

6 Any local labor-management-community committee meeting
7 these criteria may apply to the Department for annual
8 matching grants, provided that the local committee
9 contributes at least 25% in matching funds, of which no more
10 than 50% shall be "in-kind" services. Funds received by a
11 local committee pursuant to this subsection shall be used for
12 the ordinary operating expenses of the local committee.

13 (c) ~~To provide 20%~~ Matching grants to local
14 labor-management-community committees that do not meet all of
15 the eligibility criteria set forth in subsection (b).
16 However, to be eligible to apply for a grant under this
17 subsection (c), the local labor-management-community
18 committee, at a minimum, shall meet all of the following
19 criteria:

20 (1) Be composed of labor, management, and community
21 representatives.

22 (2) Service a distinct and identifiable geographic
23 region.

24 (3) Operate in compliance with the rules set forth
25 by the Department with the advice of the
26 Labor-Management-Community Cooperation Committee.

27 (4) Ensure that its efforts and activities are
28 directed toward enhancing the labor-management-community
29 relationship within the State, region, community, and/or
30 work place.

31 Any local labor-management-community committee meeting
32 these criteria may apply to the Department for an annual
33 matching grant, provided that the local committee contributes
34 at least 25% in matching funds of which no more than 50%

1 shall be "in-kind" services. Funds received by a local
2 committee pursuant to this subsection (c) shall be used for
3 the ordinary and operating expenses of the local committee.
4 Eligible committees shall be limited to 3 years of funding
5 under this subsection. With respect to those committees
6 participating in this program prior to enactment of this
7 amendatory Act of 1988 that fail to qualify under paragraph
8 (1) of this subsection (c), previous years' funding shall be
9 counted in determining whether those committees have reached
10 their funding limit under this subsection (c) paragraph-(2).

11 (d) ~~To provide~~ 10% Grants to develop and conduct
12 specialized education and training programs of direct benefit
13 to representatives of labor, management,
14 labor-management-community committees and/or their staff.
15 The type of education and training programs to be developed
16 and offered will be determined and prioritized annually by
17 the Department, with the advice of the
18 Labor-Management-Community Cooperation Committee. The
19 Department will develop and issue an annual request for
20 proposals detailing the program specifications.

21 (e) ~~To provide~~ 10% Grants for research and development
22 projects related to labor-management-community or
23 employment-related family issues. The Department, with the
24 advice of the Labor-Management-Community Cooperation
25 Committee, will develop and prioritize annually the type and
26 scope of the research and development projects deemed
27 necessary.

28 (f) (5) ~~To provide~~ Grants of up to a maximum of \$5,000
29 to support the planning of regional work, family, and
30 community planning conferences that will be based on specific
31 community concerns.

32 (g) (6) ~~To provide~~ Grants to initiate or support
33 recently created employer-led coalitions to establish pilot
34 projects that promote the understanding of the work and

1 family issues and support local workforce dependent care
2 services.

3 (h) (f) The Department is authorized to establish
4 applications and application procedures and promulgate any
5 rules deemed necessary in the administration of the grants.

6 (Source: P.A. 91-239, eff. 1-1-00; 91-357, eff. 7-29-99;
7 91-476, eff. 8-11-99; revised 10-20-99.)

8 (20 ILCS 605/605-860) (was 20 ILCS 605/46.32a in part)
9 Sec. 605-860. Office of Work and Family Issues Labor
10 Management--~~Cooperation~~. To administer the grant programs
11 created by this Law, the Department shall establish an Office
12 of Work and Family Issues. The purpose of this office shall
13 include, but not be limited to the following:

14 (1) To administer the grant programs, including
15 developing grant applications and requests for proposals,
16 program monitoring, and evaluation.

17 (2) To serve as State liaison with other state,
18 regional, and national organizations devoted to promoting
19 labor-management-community cooperation and
20 employment-related family issues; and to disseminate
21 pertinent information secured through these State,
22 regional, and national affiliations to local
23 labor-management-community committees, the
24 Labor-Management-Community Cooperation Committee,
25 employer coalitions, Illinois Employment and Training
26 Centers, and other interested parties throughout the
27 State.

28 (3) To provide technical assistance to area,
29 industry, or work-site labor-management-community
30 committees as requested.

31 (4) To serve as a clearinghouse for information
32 related to labor-management-community cooperation.

33 (5) To serve as a catalyst to developing and

1 strengthening a partnership among local, State, regional,
2 and national organizations and agencies devoted to
3 enhancing labor-management-community cooperation and
4 employment-related family issues.

5 (6) To provide any other programs or services that
6 enhance labor-management-community cooperation or that
7 may promote the adoption of family-friendly workplace
8 practices at companies located within the State of
9 Illinois as determined by the Director with the advice of
10 the Labor-Management-Community Cooperation Committee.

11 (7) To establish an Illinois Work and Family
12 Clearinghouse to disseminate best-practice work and
13 family policies and practices throughout the State,
14 including through the Illinois Employment and Training
15 Centers; to provide and develop a computerized database
16 listing dependent care information and referral services;
17 to help employers by providing information about options
18 for dependent care assistance; to conduct and compile
19 research on elder care, child care, and other
20 employment-related family issues in Illinois; and to
21 compile and disseminate any other information or services
22 that support the adoption of family-friendly workplace
23 practices at companies located in the State.

24 (Source: P.A. 91-239, eff. 1-1-00; 91-357, eff. 7-29-99;
25 91-467, eff. 8-11-99; revised 10-20-99.)

26 (20 ILCS 605/605-940) (was 20 ILCS 605/46.37)

27 Sec. 605-940. Clearing house for local government
28 problems; aid with financial and administrative matters. The
29 Department shall provide for a central clearing house for
30 information concerning local government problems and various
31 solutions to those problems and shall assist and aid local
32 governments of the State in matters relating to budgets,
33 fiscal procedures, and administration. In performing this

1 responsibility the Department shall have the power and duty
2 to do the following:

3 (1) Maintain communication with all local
4 governments and assist them, at their request, to improve
5 their administrative procedures and to facilitate
6 improved local government and development.

7 (2) Assemble and disseminate information concerning
8 State and federal programs, grants, gifts, and subsidies
9 available to local governments and to provide counsel and
10 technical services and other assistance in applying for
11 those programs, grants, gifts, and subsidies.

12 (3) Assist in coordinating activities by obtaining
13 information, on forms provided by the Department or by
14 receipt of proposals and applications, concerning State
15 and federal assisted programs, grants, gifts, and
16 subsidies applied for and received by all local
17 governments.

18 (4) Provide direct consultative services to local
19 governments upon request and provide staff services to
20 special commissions, the Governor, or the General
21 Assembly or its committees.

22 (5) Render advice and assistance with respect to
23 the establishment and maintenance of programs for the
24 training of local government officials and other
25 personnel.

26 (6) Act as the official State agency for the
27 receipt and distribution of federal funds that are or may
28 be provided to the State on a flat grant basis for
29 distribution to local governments or in the event federal
30 law requires a State agency to implement programs
31 affecting local governments and for State funds that are
32 or may be provided for the use of local governments
33 unless otherwise provided by law.

34 (7) Administer laws relating to local government

1 affairs as the General Assembly may direct.

2 (8) Provide all advice and assistance to improve
3 local government administration, ensure the economical
4 and efficient provision of local government services, and
5 make the Civil Administrative Code of Illinois effective.

6 (9) Give advice and counsel on fiscal problems of
7 local governments of the State to those local
8 governments.

9 (10) Prepare uniform budgetary forms for use by the
10 local governments of the State.

11 (11) Assist and advise the local governments of the
12 State in matters pertaining to budgets, appropriation
13 requests and ordinances, the determination of property
14 tax levies and rates, and other matters of a financial
15 nature.

16 (12) Be a repository for financial reports and
17 statements required by law of local governments of the
18 State, and publish financial summaries of those reports
19 and statements.

20 (13) (Blank).

21 (14) Prepare proposals and advise on the investment
22 of idle local government funds.

23 (15) Administer the program of grants, loans, and
24 loan guarantees under the federal Public Works and
25 Economic Development Act of 1965, 42 U.S.C. 3121 and
26 following, and receive and disburse State and federal
27 funds provided for that program and moneys received as
28 repayments of loans made under the program.

29 (16) After January 1, 1985, upon the request of
30 local governments, prepare and provide model financial
31 statement forms designed to communicate to taxpayers,
32 service consumers, voters, government employees, and news
33 media, in a non-technical manner, all significant
34 financial information regarding a particular local

1 government, and to prepare and provide to local
2 governments a summary of local governments' obligations
3 concerning the adoption of an annual operating budget.
4 The summary shall be set forth in a non-technical manner
5 and shall be designed principally for distribution to,
6 and the use of, taxpayers, service consumers, voters,
7 government employees, and news media.

8 (Source: P.A. 91-239, eff. 1-1-00; 91-583, eff. 1-1-00;
9 revised 10-26-99.)

10 Section 16.5. The Illinois Enterprise Zone Act is
11 amended by changing Section 5.3 as follows:

12 (20 ILCS 655/5.3) (from Ch. 67 1/2, par. 608)

13 Sec. 5.3. Certification of Enterprise Zones; Effective
14 date.

15 (a) Approval of designated Enterprise Zones shall be
16 made by the Department by certification of the designating
17 ordinance. The Department shall promptly issue a certificate
18 for each Enterprise Zone upon its approval. The certificate
19 shall be signed by the Director of the Department, shall make
20 specific reference to the designating ordinance, which shall
21 be attached thereto, and shall be filed in the office of the
22 Secretary of State. A certified copy of the Enterprise Zone
23 Certificate, or a duplicate original thereof, shall be
24 recorded in the office of recorder of deeds of the county in
25 which the Enterprise Zone lies.

26 (b) An Enterprise Zone shall be effective upon its
27 certification. The Department shall transmit a copy of the
28 certification to the Department of Revenue, and to the
29 designating municipality or county.

30 Upon certification of an Enterprise Zone, the terms and
31 provisions of the designating ordinance shall be in effect,
32 and may not be amended or repealed except in accordance with

1 Section 5.4.

2 (c) An Enterprise Zone shall be in effect for 30
3 calendar years, or for a lesser number of years specified in
4 the certified designating ordinance. Enterprise Zones shall
5 terminate at midnight of December 31 of the final calendar
6 year of the certified term, except as provided in Section
7 5.4. ~~In Vermillion County, however, an enterprise zone shall~~
8 ~~be in effect for 30 calendar years or for a lesser number of~~
9 ~~years specified in the certified designating ordinance.~~ The
10 Whiteside County/Carroll County Enterprise Zone, however,
11 solely with respect to industrial purposes and uses, shall be
12 in effect for 30 calendar years or for a lesser number of
13 years specified in the certified designating ordinance.

14 (d) No more than 12 Enterprise Zones may be certified by
15 the Department in calendar year 1984, no more than 12
16 Enterprise Zones may be certified by the Department in
17 calendar year 1985, no more than 13 Enterprise Zones may be
18 certified by the Department in calendar year 1986, no more
19 than 15 Enterprise Zones may be certified by the Department
20 in calendar year 1987, and no more than 20 Enterprise Zones
21 may be certified by the Department in calendar year 1990. In
22 other calendar years, no more than 13 Enterprise Zones may be
23 certified by the Department. The Department may also
24 designate up to 8 additional Enterprise Zones outside the
25 regular application cycle if warranted by the extreme
26 economic circumstances as determined by the Department. The
27 Department may also designate one additional Enterprise Zone
28 outside the regular application cycle if an aircraft
29 manufacturer agrees to locate an aircraft manufacturing
30 facility in the proposed Enterprise Zone. Notwithstanding
31 any other provision of this Act, no more than 89 Enterprise
32 Zones may be certified by the Department for the 10 calendar
33 years commencing with 1983. The 7 additional Enterprise Zones
34 authorized by Public Act 86-15 shall not lie within

1 municipalities or unincorporated areas of counties that abut
2 or are contiguous to Enterprise Zones certified pursuant to
3 this Section prior to June 30, 1989. The 7 additional
4 Enterprise Zones (excluding the additional Enterprise Zone
5 which may be designated outside the regular application
6 cycle) authorized by Public Act 86-1030 shall not lie within
7 municipalities or unincorporated areas of counties that abut
8 or are contiguous to Enterprise Zones certified pursuant to
9 this Section prior to February 28, 1990. In any calendar
10 year, the Department may not certify more than 3 Zones
11 located within the same municipality. The Department may
12 certify Enterprise Zones in each of the 10 calendar years
13 commencing with 1983. The Department may not certify more
14 than a total of 18 Enterprise Zones located within the same
15 county (whether within municipalities or within
16 unincorporated territory) for the 10 calendar years
17 commencing with 1983. Thereafter, the Department may not
18 certify any additional Enterprise Zones, but may amend and
19 rescind certifications of existing Enterprise Zones in
20 accordance with Section 5.4.

21 (e) Notwithstanding any other provision of law, if (i)
22 the county board of any county in which a current military
23 base is located, in part or in whole, or in which a military
24 base that has been closed within 20 years of the effective
25 date of this amendatory Act of 1998 is located, in part or in
26 whole, adopts a designating ordinance in accordance with
27 Section 5 of this Act to designate the military base in that
28 county as an enterprise zone and (ii) the property otherwise
29 meets the qualifications for an enterprise zone as prescribed
30 in Section 4 of this Act, then the Department may certify the
31 designating ordinance or ordinances, as the case may be.

32 (Source: P.A. 90-657, eff. 7-30-98; 91-567, eff. 8-14-99;
33 91-937, eff. 1-11-01; revised 1-15-01.)

1 Section 17. The Department of Employment Security Law of
2 the Civil Administrative Code of Illinois is amended by
3 changing Sections 1005-110 and 1005-130 as follows:

4 (20 ILCS 1005/1005-110) (was 20 ILCS 1005/44a)

5 Sec. 1005-110. Board of Review. The Board of Review in
6 the Department shall exercise all powers and be subject to
7 all duties conferred or imposed upon the Board by the
8 provisions of the Unemployment Insurance Act, in its own name
9 and without any direction, supervision, or control by the
10 Director.

11 (Source: P.A. 91-239, eff. 1-1-00; 91-357, eff. 7-29-99;
12 revised 8-5-99.)

13 (20 ILCS 1005/1005-130) (was 20 ILCS 1005/43a.14)

14 Sec. 1005-130. Exchange of information for child support
15 enforcement.

16 (a) The Department has the power to exchange with the
17 Illinois Department of Public Aid information that may be
18 necessary for the enforcement of child support orders entered
19 pursuant to the Illinois Public Aid Code, the Illinois
20 Marriage and Dissolution of Marriage Act, the Non-Support of
21 Spouse and Children Act, the Non-Support Punishment Act, the
22 Revised Uniform Reciprocal Enforcement of Support Act, the
23 Uniform Interstate Family Support Act, or the Illinois
24 Parentage Act of 1984.

25 (b) Notwithstanding any provisions in the Civil
26 Administrative Code of Illinois to the contrary, the
27 Department of Employment Security shall not be liable to any
28 person for any disclosure of information to the Illinois
29 Department of Public Aid under subsection (a) or for any
30 other action taken in good faith to comply with the
31 requirements of subsection (a).

32 (Source: P.A. 90-18, eff. 7-1-97; 91-239, eff. 1-1-00;

1 91-613, eff. 10-1-99; revised 8-5-99.)

2 Section 18. The Department of Insurance Law of the Civil
3 Administrative Code of Illinois is amended by renumbering
4 Section 56.3 (as added by Public Act 91-406) as follows:

5 (20 ILCS 1405/1405-20) (was 20 ILCS 1405/56.3)

6 Sec. 1405-20. ~~56.3~~. Investigational cancer treatments;
7 study.

8 (a) The Department of Insurance shall conduct an
9 analysis and study of costs and benefits derived from the
10 implementation of the coverage requirements for
11 investigational cancer treatments established under Section
12 356y of the Illinois Insurance Code. The study shall cover
13 the years 2000, 2001, and 2002. The study shall include an
14 analysis of the effect of the coverage requirements on the
15 cost of insurance and health care, the results of the
16 treatments to patients, the mortality rate among cancer
17 patients, any improvements in care of patients, and any
18 improvements in the quality of life of patients.

19 (b) The Department shall report the results of its study
20 to the General Assembly and the Governor on or before March
21 1, 2003.

22 (Source: P.A. 91-406, eff. 1-1-00; revised 10-18-99.)

23 Section 19. The Department of Professional Regulation
24 Law of the Civil Administrative Code of Illinois is amended
25 by changing Sections 2105-5, 2105-15, 2105-75, 2105-120, and
26 2105-150 and renumbering Section 60p as follows:

27 (20 ILCS 2105/2105-5) (was 20 ILCS 2105/60b)

28 Sec. 2105-5. Definitions.

29 (a) In this Law:

30 "Department" means the Department of Professional

1 Regulation.

2 "Director" means the Director of Professional Regulation.

3 (b) In the construction of this Section and Sections
4 ~~2105-10~~, 2105-15, 2105-100, 2105-105, 2105-110, 2105-115,
5 2105-120, 2105-125, 2105-175, and 2105-325, the following
6 definitions shall govern unless the context otherwise clearly
7 indicates:

8 "Board" means the board of persons designated for a
9 profession, trade, or occupation under the provisions of any
10 Act now or hereafter in force whereby the jurisdiction of
11 that profession, trade, or occupation is devolved on the
12 Department.

13 "Certificate" means a license, certificate of
14 registration, permit, or other authority purporting to be
15 issued or conferred by the Department by virtue or authority
16 of which the registrant has or claims the right to engage in
17 a profession, trade, occupation, or operation of which the
18 Department has jurisdiction.

19 "Registrant" means a person who holds or claims to hold a
20 certificate.

21 (Source: P.A. 91-239, eff. 1-1-00; 91-357, eff. 7-29-99;
22 revised 8-6-99.)

23 (20 ILCS 2105/2105-15) (was 20 ILCS 2105/60)

24 Sec. 2105-15. General powers and duties.

25 (a) The Department has, subject to the provisions of the
26 Civil Administrative Code of Illinois, the following powers
27 and duties:

28 (1) To authorize examinations in English to
29 ascertain the qualifications and fitness of applicants to
30 exercise the profession, trade, or occupation for which
31 the examination is held.

32 (2) To prescribe rules and regulations for a fair
33 and wholly impartial method of examination of candidates

1 to exercise the respective professions, trades, or
2 occupations.

3 (3) To pass upon the qualifications of applicants
4 for licenses, certificates, and authorities, whether by
5 examination, by reciprocity, or by endorsement.

6 (4) To prescribe rules and regulations defining,
7 for the respective professions, trades, and occupations,
8 what shall constitute a school, college, or university,
9 or department of a university, or other institution,
10 reputable and in good standing, and to determine the
11 reputability and good standing of a school, college, or
12 university, or department of a university, or other
13 institution, reputable and in good standing, by reference
14 to a compliance with those rules and regulations;
15 provided, that no school, college, or university, or
16 department of a university, or other institution that
17 refuses admittance to applicants solely on account of
18 race, color, creed, sex, or national origin shall be
19 considered reputable and in good standing.

20 (5) To conduct hearings on proceedings to revoke,
21 suspend, refuse to renew, place on probationary status,
22 or take other disciplinary action as authorized in any
23 licensing Act administered by the Department with regard
24 to licenses, certificates, or authorities of persons
25 exercising the respective professions, trades, or
26 occupations and to revoke, suspend, refuse to renew,
27 place on probationary status, or take other disciplinary
28 action as authorized in any licensing Act administered by
29 the Department with regard to those licenses,
30 certificates, or authorities. The Department shall issue
31 a monthly disciplinary report. The Department shall deny
32 any license or renewal authorized by the Civil
33 Administrative Code of Illinois to any person who has
34 defaulted on an educational loan or scholarship provided

1 by or guaranteed by the Illinois Student Assistance
2 Commission or any governmental agency of this State;
3 however, the Department may issue a license or renewal if
4 the aforementioned persons have established a
5 satisfactory repayment record as determined by the
6 Illinois Student Assistance Commission or other
7 appropriate governmental agency of this State.
8 Additionally, beginning June 1, 1996, any license issued
9 by the Department may be suspended or revoked if the
10 Department, after the opportunity for a hearing under the
11 appropriate licensing Act, finds that the licensee has
12 failed to make satisfactory repayment to the Illinois
13 Student Assistance Commission for a delinquent or
14 defaulted loan. For the purposes of this Section,
15 "satisfactory repayment record" shall be defined by rule.
16 The Department shall refuse to issue or renew a license
17 to, or shall suspend or revoke a license of, any person
18 who, after receiving notice, fails to comply with a
19 subpoena or warrant relating to a paternity or child
20 support proceeding. However, the Department may issue a
21 license or renewal upon compliance with the subpoena or
22 warrant.

23 The Department, without further process or hearings,
24 shall revoke, suspend, or deny any license or renewal
25 authorized by the Civil Administrative Code of Illinois
26 to a person who is certified by the Illinois Department
27 of Public Aid as being more than 30 days delinquent in
28 complying with a child support order or who is certified
29 by a court as being in violation of the Non-Support of
30 Punishment Act for more than 60 days. The Department
31 may, however, issue a license or renewal if the person
32 has established a satisfactory repayment record as
33 determined by the Illinois Department of Public Aid or if
34 the person is determined by the court to be in compliance

1 with the Non-Support Punishment Act. The Department may
2 implement this paragraph as added by Public Act 89-6
3 through the use of emergency rules in accordance with
4 Section 5-45 of the Illinois Administrative Procedure
5 Act. For purposes of the Illinois Administrative
6 Procedure Act, the adoption of rules to implement this
7 paragraph shall be considered an emergency and necessary
8 for the public interest, safety, and welfare.

9 (6) To transfer jurisdiction of any realty under
10 the control of the Department to any other department of
11 the State Government or to acquire or accept federal
12 lands when the transfer, acquisition, or acceptance is
13 advantageous to the State and is approved in writing by
14 the Governor.

15 (7) To formulate rules and regulations necessary
16 for the enforcement of any Act administered by the
17 Department.

18 (8) To exchange with the Illinois Department of
19 Public Aid information that may be necessary for the
20 enforcement of child support orders entered pursuant to
21 the Illinois Public Aid Code, the Illinois Marriage and
22 Dissolution of Marriage Act, the Non-Support of Spouse
23 and Children Act, the Non-Support Punishment Act, the
24 Revised Uniform Reciprocal Enforcement of Support Act,
25 the Uniform Interstate Family Support Act, or the
26 Illinois Parentage Act of 1984. Notwithstanding any
27 provisions in this Code to the contrary, the Department
28 of Professional Regulation shall not be liable under any
29 federal or State law to any person for any disclosure of
30 information to the Illinois Department of Public Aid
31 under this paragraph (8) or for any other action taken in
32 good faith to comply with the requirements of this
33 paragraph (8).

34 (9) To perform other duties prescribed by law.

1 (b) The Department may, when a fee is payable to the
2 Department for a wall certificate of registration provided by
3 the Department of Central Management Services, require that
4 portion of the payment for printing and distribution costs be
5 made directly or through the Department to the Department of
6 Central Management Services for deposit into the Paper and
7 Printing Revolving Fund. The remainder shall be deposited
8 into the General Revenue Fund.

9 (c) For the purpose of securing and preparing evidence,
10 and for the purchase of controlled substances, professional
11 services, and equipment necessary for enforcement activities,
12 recoupment of investigative costs, and other activities
13 directed at suppressing the misuse and abuse of controlled
14 substances, including those activities set forth in Sections
15 504 and 508 of the Illinois Controlled Substances Act, the
16 Director and agents appointed and authorized by the Director
17 may expend sums from the Professional Regulation Evidence
18 Fund that the Director deems necessary from the amounts
19 appropriated for that purpose. Those sums may be advanced to
20 the agent when the Director deems that procedure to be in the
21 public interest. Sums for the purchase of controlled
22 substances, professional services, and equipment necessary
23 for enforcement activities and other activities as set forth
24 in this Section shall be advanced to the agent who is to make
25 the purchase from the Professional Regulation Evidence Fund
26 on vouchers signed by the Director. The Director and those
27 agents are authorized to maintain one or more commercial
28 checking accounts with any State banking corporation or
29 corporations organized under or subject to the Illinois
30 Banking Act for the deposit and withdrawal of moneys to be
31 used for the purposes set forth in this Section; provided,
32 that no check may be written nor any withdrawal made from any
33 such account except upon the written signatures of 2 persons
34 designated by the Director to write those checks and make

1 those withdrawals. Vouchers for those expenditures must be
2 signed by the Director. All such expenditures shall be
3 audited by the Director, and the audit shall be submitted to
4 the Department of Central Management Services for approval.

5 (d) Whenever the Department is authorized or required by
6 law to consider some aspect of criminal history record
7 information for the purpose of carrying out its statutory
8 powers and responsibilities, then, upon request and payment
9 of fees in conformance with the requirements of Section
10 2605-400 of the Department of State Police Law (20 ILCS
11 2605/2605-400), the Department of State Police is authorized
12 to furnish, pursuant to positive identification, the
13 information contained in State files that is necessary to
14 fulfill the request.

15 (e) The provisions of this Section do not apply to
16 private business and vocational schools as defined by Section
17 1 of the Private Business and Vocational Schools Act.

18 (f) Beginning July 1, 1995, this Section does not apply
19 to those professions, trades, and occupations licensed under
20 the Real Estate License Act of 2000, nor does it apply to any
21 permits, certificates, or other authorizations to do business
22 provided for in the Land Sales Registration Act of 1989 or
23 the Illinois Real Estate Time-Share Act.

24 (Source: P.A. 90-18, eff. 7-1-97; 91-239, eff. 1-1-00;
25 91-245, eff. 12-31-99; 91-613, eff. 10-1-99; revised
26 9-29-99.)

27 (20 ILCS 2105/2105-30) (was 20 ILCS 2105/60p)

28 Sec. 2105-30. ~~60p~~ License forms; notification of abuse.
29 Beginning January 1, 2000, each license or permit application
30 or renewal form the Department provides to a person who is
31 required by law to report child abuse or elder abuse must
32 include a notification that the applicant or licensee is
33 required by law to report that abuse and must include

1 telephone numbers the licensee may call to report the abuse.
2 (Source: P.A. 91-244, eff. 1-1-00; revised 11-3-99.)

3 (20 ILCS 2105/2105-75) (was 20 ILCS 2105/61f)

4 Sec. 2105-75. Design Professionals Dedicated Employees.
5 There are established within the Department certain design
6 professionals dedicated employees. These employees shall be
7 devoted exclusively to the administration and enforcement of
8 the Illinois Architecture Practice Act, the Illinois
9 Professional Land Surveyor Act of 1989, the Professional
10 Engineering Practice Act of 1989, and the Structural
11 Engineering Practice Act of 1989. The design professionals
12 dedicated employees that the Director shall employ, in
13 conformity with the Personnel Code, at a minimum shall
14 consist of one full-time design licensing Coordinator, one
15 full-time Assistant Coordinator, 4 full-time licensing
16 clerks, one full-time attorney, and 2 full-time
17 investigators. These employees shall work exclusively in the
18 licensing and enforcement of the design profession Acts set
19 forth in this Section and shall not be used for the licensing
20 and enforcement of any other Act or other duties in the
21 Department.

22 (Source: P.A. 91-91, eff. 7-9-99; 91-239, eff. 1-1-00;
23 91-357, eff. 7-29-99; revised 8-6-99.)

24 (20 ILCS 2105/2105-120) (was 20 ILCS 2105/60g)

25 Sec. 2105-120. Board's report; registrant's motion for
26 rehearing.

27 (a) The board shall present to the Director its written
28 report of its findings and recommendations. A copy of the
29 report shall be served upon the registrant, either personally
30 or by registered mail as provided in Section 2105-100 60e for
31 the service of the citation.

32 (b) Within 20 days after the service required under

1 subsection (a), the registrant may present to the Department
2 a motion in writing for a rehearing. The written motion
3 shall specify the particular grounds for a rehearing. If the
4 registrant orders and pays for a transcript of the record as
5 provided in Section 2105-115 60f, the time elapsing
6 thereafter and before the transcript is ready for delivery to
7 the registrant shall not be counted as part of the 20 days.
8 (Source: P.A. 91-239, eff. 1-1-00; 91-357, eff. 7-29-99;
9 revised 8-6-99.)

10 (20 ILCS 2105/2105-150) (was 20 ILCS 2105/60m)
11 Sec. 2105-150. Violations of Medical Practice Act.
12 Notwithstanding any of the provisions of Section 2105-5,
13 2105-15, 2105-100, 2105-105, 2105-110, 2105-115, 2105-120,
14 2105-125, 2105-175, 2105-200, or 2105-325 60a7-60d7--60g7 of
15 this Law, for violations of Section 22 of the Medical
16 Practice Act of 1987, the Department shall suspend, revoke,
17 place on probationary status, or take other disciplinary
18 action as it deems proper with regard to licenses issued
19 under that Act only in accordance with Sections 7 and 36
20 through 46 of that Act.
21 (Source: P.A. 91-239, eff. 1-1-00; 91-357, eff. 7-29-99;
22 revised 8-6-99.)

23 Section 20. The Department of Public Health Powers and
24 Duties Law of the Civil Administrative Code of Illinois is
25 amended by changing Sections 2310-205, 2310-350, 2310-370,
26 2310-397, and 2310-430 and renumbering Sections 55.56a,
27 55.58a, 55.75a, 55.95, and multiple versions of Section 55.91
28 as follows:

29 (20 ILCS 2310/2310-205) (was 20 ILCS 2310/55.57)
30 Sec. 2310-205. Community health centers. From
31 appropriations from the Community Health Center Care Fund, a

1 special fund in the State treasury which is hereby created,
2 the Department shall provide financial assistance (i) {a} to
3 migrant health centers and community health centers
4 established pursuant to Sections 329 or 330 of the federal
5 Public Health Service Act or that meet the standards
6 contained in either of those Sections and (ii) for the
7 purpose of establishing new migrant health centers or
8 community health centers in areas of need.

9 (Source: P.A. 91-239, eff. 1-1-00; 91-357, eff. 7-29-99;
10 revised 8-6-99.)

11 (20 ILCS 2310/2310-227) (was 20 ILCS 2310/55.58a)

12 Sec. 2310-227. ~~55-58a~~- Study; nurse assistant incentive
13 program. The Department, in cooperation with the Illinois
14 Health Care Association, Life Services Network of Illinois,
15 the Illinois Council on Long Term Care, the County Nursing
16 Home Association, organized labor, the Illinois Community
17 College Board, the Southern Illinois University at Carbondale
18 Department of Workforce Education, the Illinois State Board
19 of Education, and the Department on Aging Ombudsman Program,
20 shall undertake a study to determine what incentives might be
21 necessary to attract and retain nurse assistants to work in
22 Illinois long-term care facilities. Based on any available
23 research and the experience of other states and the private
24 sector, a variety of incentive programs shall be examined for
25 their feasibility and possible development and implementation
26 in Illinois. Based upon the results of the study, the
27 Department shall implement a nurse assistant incentive
28 program no later than January 1, 2001, subject to available
29 appropriations.

30 (Source: P.A. 91-574, eff. 8-14-99; revised 10-25-99.)

31 (20 ILCS 2310/2310-322) (was 20 ILCS 2310/55.56a)

32 Sec. 2310-322. ~~55-56a~~- AIDS awareness; senior citizens.

1 The Department must include within its public health
2 promotion programs and materials information targeted to
3 persons 50 years of age and more concerning the dangers of
4 HIV and AIDS and sexually transmitted diseases.

5 (Source: P.A. 91-106, eff. 1-1-00; revised 8-6-99.)

6 (20 ILCS 2310/2310-337) (was 20 ILCS 2310/55.95)

7 Sec. 2310-337. ~~55-95~~. Asthma information.

8 (a) The Department of Public Health, in conjunction with
9 representatives of State and community based agencies
10 involved with asthma, shall develop and implement an asthma
11 information program targeted at population groups in Illinois
12 with high risk of suffering from asthma, including but not
13 limited to the following:

14 (1) African Americans.

15 (2) Hispanics.

16 (3) The elderly.

17 (4) Children.

18 (5) Those exposed to environmental factors
19 associated with high risk of asthma.

20 (6) Those with a family history of asthma.

21 (7) Those with allergies.

22 (b) The Department's asthma information program shall
23 include but need not be limited to information about:

24 (1) The causes and prevention of asthma.

25 (2) The types of treatment for asthma.

26 (3) The availability of treatment for asthma.

27 (4) Possible funding sources for treatment of
28 asthma.

29 (c) The Department shall report to the General Assembly
30 by January 1, 2000 upon its development and implementation of
31 the asthma information program.

32 (Source: P.A. 91-515, eff. 8-13-99; revised 10-21-99.)

1 (20 ILCS 2310/2310-350) (was 20 ILCS 2310/55.70)
2 Sec. 2310-350. Penny Severns Breast and Cervical Cancer
3 Research Fund. From funds appropriated from the Penny
4 Severns Breast and Cervical Cancer Research Fund, the
5 Department shall award grants to eligible physicians,
6 hospitals, laboratories, education institutions, and other
7 organizations and persons to enable organizations and persons
8 to conduct research. For the purposes of this Section,
9 "research" includes, but is not limited to, expenditures to
10 develop and advance the understanding, techniques, and
11 modalities effective in early detection, prevention, cure,
12 screening, and treatment of breast and cervical cancer and
13 may include clinical trials.

14 Moneys received for the purposes of this Section,
15 including but not limited to income tax checkoff receipts and
16 gifts, grants, and awards from private foundations, nonprofit
17 organizations, other governmental entities, and persons shall
18 be deposited into the Penny Severns Breast and Cervical
19 Cancer Research Fund, which is hereby created as a special
20 fund in the State treasury.

21 The Department shall create an advisory committee with
22 members from, but not limited to, the Illinois Chapter of the
23 American Cancer Society, Y-Me, the Susan G. Komen Foundation,
24 and the State Board of Health for the purpose of awarding
25 research grants under this Section. Members of the advisory
26 committee shall not be eligible for any financial
27 compensation or reimbursement.

28 (Source: P.A. 91-107, eff. 7-13-99; 91-239, eff. 1-1-00;
29 revised 8-6-99.)

30 (20 ILCS 2310/2310-351) (was 20 ILCS 2310/55.91)

31 Sec. 2310-351. ~~55-91~~. Ovarian cancer; Cancer Information
32 Service. The Department of Public Health, in cooperation
33 with the Cancer Information Service, shall promote the

1 services of the Cancer Information Service in relation to
2 ovarian cancer.

3 (Source: P.A. 91-108, eff. 7-13-99; revised 8-6-99.)

4 (20 ILCS 2310/2310-370) (was 20 ILCS 2310/55.76)

5 Sec. 2310-370. Heart Disease Treatment and Prevention
6 Fund; grants. From funds appropriated from the Heart Disease
7 Treatment and Prevention Fund, a special fund created in the
8 State treasury, the Department shall make grants to public
9 and private agencies for the purposes of funding (i) research
10 into causes, prevention, and treatment of heart disease and
11 (ii) public education relating to treatment and prevention of
12 heart disease within the State of Illinois.

13 (Source: P.A. 91-239, eff. 1-1-00; 91-357, eff. 7-29-99;
14 revised 8-6-99.)

15 (20 ILCS 2310/2310-397) (was 20 ILCS 2310/55.90)

16 Sec. 2310-397. Prostate and testicular cancer program.

17 (a) The Department, subject to appropriation or other
18 available funding, shall conduct a program to promote
19 awareness and early detection of prostate and testicular
20 cancer. The program may include, but need not be limited to:

21 (1) Dissemination of information regarding the
22 incidence of prostate and testicular cancer, the risk
23 factors associated with prostate and testicular cancer,
24 and the benefits of early detection and treatment.

25 (2) Promotion of information and counseling about
26 treatment options.

27 (3) Establishment and promotion of referral
28 services and screening programs.

29 (b) Subject to appropriation or other available funding,
30 a Prostate Cancer Screening Program shall be established in
31 the Department of Public Health.

32 (1) The Program shall apply to the following persons

1 and entities:

2 (A) uninsured and underinsured men 50 years of
3 age and older;

4 (B) uninsured and underinsured men between 40
5 and 50 years of age who are at high risk for
6 prostate cancer, upon the advice of a physician or
7 upon the request of the patient; and

8 (C) non-profit organizations providing
9 assistance to persons described in subparagraphs (A)
10 and (B).

11 (2) Any entity funded by the Program shall
12 coordinate with other local providers of prostate cancer
13 screening, diagnostic, follow-up, education, and advocacy
14 services to avoid duplication of effort. Any entity
15 funded by the Program shall comply with any applicable
16 State and federal standards regarding prostate cancer
17 screening.

18 (3) Administrative costs of the Department shall
19 not exceed 10% of the funds allocated to the Program.
20 Indirect costs of the entities funded by this Program
21 shall not exceed 12%. The Department shall define
22 "indirect costs" in accordance with applicable State and
23 federal law.

24 (4) Any entity funded by the Program shall collect
25 data and maintain records that are determined by the
26 Department to be necessary to facilitate the Department's
27 ability to monitor and evaluate the effectiveness of the
28 entities and the Program. Commencing with the Program's
29 second year of operation, the Department shall submit an
30 Annual Report to the General Assembly and the Governor.
31 The report shall describe the activities and
32 effectiveness of the Program and shall include, but not
33 be limited to, the following types of information
34 regarding those served by the Program:

- 1 (A) the number;
- 2 (B) the ethnic, geographic, and age breakdown;
- 3 (C) the stages of presentation; and
- 4 (D) the diagnostic and treatment status.

5 (5) The Department or any entity funded by the
 6 Program shall collect personal and medical information
 7 necessary to administer the Program from any individual
 8 applying for services under the Program. The
 9 information shall be confidential and shall not be
 10 disclosed other than for purposes directly connected with
 11 the administration of the Program or except as otherwise
 12 provided by law or pursuant to prior written consent of
 13 the subject of the information.

14 (6) The Department or any entity funded by the
 15 program may disclose the confidential information to
 16 medical personnel and fiscal intermediaries of the State
 17 to the extent necessary to administer the Program, and to
 18 other State public health agencies or medical researchers
 19 if the confidential information is necessary to carry out
 20 the duties of those agencies or researchers in the
 21 investigation, control, or surveillance of prostate
 22 cancer.

23 (c) The Department shall adopt rules to implement the
 24 Prostate Cancer Screening Program in accordance with the
 25 Illinois Administrative Procedure Act.

26 (Source: P.A. 90-599, eff. 1-1-99; 91-109, eff. 1-1-00;
 27 91-239, eff. 1-1-00; revised 8-6-99.)

28 (20 ILCS 2310/2310-398) (was 20 ILCS 2310/55.91)
 29 Sec. 2310-398. ~~55.91~~. Prostate Cancer Research Fund;
 30 grants. From funds appropriated from the Prostate Cancer
 31 Research Fund, a special fund created in the State treasury,
 32 the Department of Public Health shall make grants to public
 33 or private entities in Illinois, which may include the Lurie

1 Comprehensive Cancer Center at the Northwestern University
2 Medical School and the Kellogg Cancer Care Center at
3 Evanston/Glenbrook Hospitals, for the purpose of funding
4 research applicable to prostate cancer patients. The grant
5 funds may not be used for institutional overhead costs,
6 indirect costs, other organizational levies, or costs of
7 community-based support services.

8 (Source: P.A. 91-104, eff. 7-13-99; revised 8-6-99.)

9 (20 ILCS 2310/2310-430) (was 20 ILCS 2310/55.69)

10 Sec. 2310-430. Women's health issues.

11 (a) The Department shall designate a member of its staff
12 to handle women's health issues not currently or adequately
13 addressed by the Department.

14 (b) The staff person's duties shall include, without
15 limitation:

16 (1) Assisting in the assessment of the health needs
17 of women in the State.

18 (2) Recommending treatment methods and programs
19 that are sensitive and relevant to the unique
20 characteristics of women.

21 (3) Promoting awareness of women's health concerns
22 and encouraging, promoting, and aiding in the
23 establishment of women's services.

24 (4) Providing adequate and effective opportunities
25 for women to express their views on Departmental policy
26 development and program implementation.

27 (5) Providing information to the members of the
28 public, patients, and health care providers regarding
29 women's gynecological cancers, including but not limited
30 to the signs and symptoms, risk factors, the benefits of
31 early detection through appropriate diagnostic testing,
32 and treatment options.

33 (6) Publishing the health care summary required

1 under Section 2310-425 ~~55-66~~ of this Act.

2 (c) The information provided under item (5) of
3 subsection (b) of this Section may include, but is not
4 limited to, the following:

5 (1) Educational and informational materials in
6 print, audio, video, electronic, or other media.

7 (2) Public service announcements and
8 advertisements.

9 (3) The health care summary required under Section
10 2310-425 ~~55-66~~ of this Act.

11 The Department may develop or contract with others to
12 develop, as the Director deems appropriate, the materials
13 described in this subsection (c) or may survey available
14 publications from, among other sources, the National Cancer
15 Institute and the American Cancer Society. The staff person
16 designated under this Section shall collect the materials,
17 formulate a distribution plan, and disseminate the materials
18 according to the plan. These materials shall be made
19 available to the public free of charge.

20 In exercising its powers under this subsection (c), the
21 Department shall consult with appropriate health care
22 professionals and providers, patients, and organizations
23 representing health care professionals and providers and
24 patients.

25 (Source: P.A. 91-106, eff. 1-1-00; 91-239, eff. 1-1-00;
26 revised 8-6-99.)

27 (20 ILCS 2310/2310-537) (was 20 ILCS 2310/55.75a)

28 Sec. 2310-537. ~~55-75a~~. Review of inspection programs.
29 The Department of Public Health shall, utilizing the
30 expertise and membership of the Hospital Licensing Board
31 created pursuant to Section 10 of the Hospital Licensing Act,
32 conduct a review of the hospital inspection programs of the
33 Department under the Hospital Licensing Act and any other

1 hospital program operated by the Department. The required
 2 review should include (i) a study of the basis for, and
 3 establishment of, standards by the various entities who
 4 regulate hospitals; (ii) the survey activities of any other
 5 public or private agency inspecting hospitals; and (iii) the
 6 interpretation and application of the adopted standards by
 7 each of the entities.

8 The Department shall issue a report of the review and any
 9 recommendations regarding the feasibility of development of a
 10 consolidated or consistent set of regulations among the
 11 various entities. The Department shall seek the input and
 12 participation of the various federal and private
 13 organizations that establish standards for hospitals. A
 14 report shall be issued to the Governor and the General
 15 Assembly by July 1, 2000.

16 (Source: P.A. 91-154, eff. 7-16-99; revised 8-6-99.)

17 Section 21. The Disabled Persons Rehabilitation Act is
 18 amended by changing Section 12a as follows:

19 (20 ILCS 2405/12a) (from Ch. 23, par. 3443a)

20 Sec. 12a. Centers for independent living.

21 (a) Purpose. Recognizing that persons with significant
 22 disabilities deserve a high quality of life within their
 23 communities regardless of their disabilities, the Department,
 24 working with the Statewide Independent Living Council, shall
 25 develop a State plan for submission on an annual basis to the
 26 Commissioner. The Department shall adopt rules for
 27 implementing the State plan in accordance with the federal
 28 Act, including rules adopted under the federal Act governing
 29 the award of grants.

30 (b) Definitions. As used in this Section, unless the
 31 context clearly requires otherwise:

32 "Federal Act" means the federal Rehabilitation Act of

1 1973, as amended.

2 "Center for independent living" means a consumer
3 controlled, community based, cross-disability,
4 non-residential, private non-profit agency that is designated
5 and operated within a local community by individuals with
6 disabilities and provides an array of independent living
7 services.

8 "Consumer controlled" means that the center for
9 independent living vests power and authority in individuals
10 with disabilities and that at least 51% of the directors of
11 the center are persons with one or more disabilities as
12 defined by this Act.

13 "Commissioner" means the Commissioner of the
14 Rehabilitation Services Administration in the United States
15 Department of Education.

16 "Council" means the Statewide Independent Living Council
17 appointed under subsection (d).

18 "Individual with a disability" means any individual who
19 has a physical or mental impairment that substantially limits
20 a major life activity, has a record of such an impairment, or
21 is regarded as having such an impairment.

22 "Individual with a significant disability" means an
23 individual with a significant physical or mental impairment,
24 whose ability to function independently in the family or
25 community or whose ability to obtain, maintain, or advance in
26 employment is substantially limited and for whom the delivery
27 of independent living services will improve the ability to
28 function, continue functioning, or move toward functioning
29 independently in the family or community or to continue in
30 employment.

31 "State plan" means the materials submitted by the
32 Department to the Commissioner on an annual basis that
33 contain the State's proposal for:

34 (1) The provision of statewide independent living

1 services.

2 (2) The development and support of a statewide
3 network of centers for independent living.

4 (3) Working relationships between (i) programs
5 providing independent living services and independent
6 living centers and (ii) the vocational rehabilitation
7 program administered by the Department under the federal
8 Act and other programs providing services for individuals
9 with disabilities.

10 (c) Authority. The unit of the Department headed by the
11 vocational rehabilitation administrator shall be designated
12 the State unit under Title VII of the federal Act and shall
13 have the following responsibilities:

14 (1) To receive, account for, and disburse funds
15 received by the State under the federal Act based on the
16 State plan.

17 (2) To provide administrative support services to
18 centers for independent living programs.

19 (3) To keep records, and take such actions with
20 respect to those records, as the Commissioner finds to be
21 necessary with respect to the programs.

22 (4) To submit additional information or provide
23 assurances the Commissioner may require with respect to
24 the programs.

25 The vocational rehabilitation administrator and the
26 Chairperson of the Council are responsible for jointly
27 developing and signing the State plan required by Section 704
28 of the federal Act. The State plan shall conform to the
29 requirements of Section 704 of the federal Act.

30 (d) Statewide Independent Living Council.

31 The Governor shall appoint a Statewide Independent Living
32 Council, comprised of 18 members, which shall be established
33 as an entity separate and distinct from the Department. The
34 composition of the Council shall include the following:

1 (1) At least one director of a center for
2 independent living chosen by the directors of centers for
3 independent living within the State.

4 (2) A representative from the unit of the
5 Department of Human Services responsible for the
6 administration of the vocational rehabilitation program
7 and a representative from another unit in the Department
8 of Human Services that provides services for individuals
9 with disabilities and a representative each from the
10 Department on Aging, the State Board of Education, and
11 the Department of Children and Family Services, all as
12 ex-officio, non-voting members who shall not be counted
13 in the 18 members appointed by the Governor.

14 In addition, the Council may include the following:

15 (A) One or more representatives of centers for
16 independent living.

17 (B) One or more parents or guardians of individuals
18 with disabilities.

19 (C) One or more advocates for individuals with
20 disabilities.

21 (D) One or more representatives of private
22 business.

23 (E) One or more representatives of organizations
24 that provide services for individuals with disabilities.

25 (F) Other appropriate individuals.

26 After soliciting recommendations from organizations
27 representing a broad range of individuals with disabilities
28 and organizations interested in individuals with
29 disabilities, the Governor shall appoint members of the
30 Council for terms beginning July 1, 1993. The Council shall
31 be composed of members (i) who provide statewide
32 representation; (ii) who represent a broad range of
33 individuals with disabilities from diverse backgrounds; (iii)
34 who are knowledgeable about centers for independent living

1 and independent living services; and (iv) a majority of whom
2 are persons who are individuals with disabilities and are not
3 employed by any State agency or center for independent
4 living.

5 The council shall elect a chairperson from among its
6 voting membership.

7 Each member of the Council shall serve for terms of 3
8 years, except that (i) a member appointed to fill a vacancy
9 occurring before the expiration of the term for which the
10 predecessor was appointed shall be appointed for the
11 remainder of that term and (ii) terms of the members
12 initially appointed after the effective date of this
13 amendatory Act of 1993 shall be as follows: 6 of the initial
14 members shall be appointed for terms of one year, 6 shall be
15 appointed for terms of 2 years, and 6 shall be appointed for
16 terms of 3 years. No member of the council may serve more
17 than 2 consecutive full terms.

18 Appointments to fill vacancies in unexpired terms and new
19 terms shall be filled by the Governor or by the Council if
20 the Governor delegates that power to the Council by executive
21 order. The vacancy shall not affect the power of the
22 remaining members to execute the powers and duties of the
23 Council. The Council shall have the duties enumerated in
24 subsections (c), (d), and (e) of Section 705 of the federal
25 Act.

26 Members shall be reimbursed for their actual expenses
27 incurred in the performance of their duties, including
28 expenses for travel, child care, and personal assistance
29 services, and a member who is not employed or who must
30 forfeit wages from other employment shall be paid reasonable
31 compensation for each day the member is engaged in performing
32 the duties of the Council. The reimbursement or compensation
33 shall be paid from moneys made available to the Department
34 under Part B of Title VII of the federal Act.

1 In addition to the powers and duties granted to advisory
2 boards by Section 5-505 of the Departments of State
3 Government Law (20 ILCS 5/5-505), the Council shall have the
4 authority to appoint jointly with the vocational
5 rehabilitation administrator a peer review committee to
6 consider and make recommendations for grants to eligible
7 centers for independent living.

8 (e) Grants to centers for independent living. Each
9 center for independent living that receives assistance from
10 the Department under this Section shall comply with the
11 standards and provide and comply with the assurances that are
12 set forth in the State plan and consistent with Section 725
13 of the federal Act. Each center for independent living
14 receiving financial assistance from the Department shall
15 provide satisfactory assurances at the time and in the manner
16 the vocational rehabilitation administrator requires.

17 Beginning October 1, 1994, the vocational rehabilitation
18 administrator may award grants to any eligible center for
19 independent living that is receiving funds under Title VII of
20 the federal Act, unless the vocational rehabilitation
21 administrator makes a finding that the center for independent
22 living fails to comply with the standards and assurances set
23 forth in Section 725 of the federal Act.

24 If there is no center for independent living serving a
25 region of the State or the region is underserved, and the
26 State receives a federal increase in its allotment sufficient
27 to support one or more additional centers for independent
28 living in the State, the vocational rehabilitation
29 administrator may award a grant under this subsection to one
30 or more eligible agencies, consistent with the provisions of
31 the State plan setting forth the design of the State for
32 establishing a statewide network for centers for independent
33 living.

34 In selecting from among eligible agencies in awarding a

1 grant under this subsection for a new center for independent
2 living, the vocational rehabilitation administrator and the
3 chairperson of (or other individual designated by) the
4 Council acting on behalf of and at the direction of the
5 Council shall jointly appoint a peer review committee that
6 shall rank applications in accordance with the standards and
7 assurances set forth in Section 725 of the federal Act and
8 criteria jointly established by the vocational rehabilitation
9 administrator and the chairperson or designated individual.
10 The peer review committee shall consider the ability of the
11 applicant to operate a center for independent living and
12 shall recommend an applicant to receive a grant under this
13 subsection based on the following:

14 (1) Evidence of the need for a center for
15 independent living, consistent with the State plan.

16 (2) Any past performance of the applicant in
17 providing services comparable to independent living
18 services.

19 (3) The applicant's plan for complying with, or
20 demonstrated success in complying with, the standards and
21 assurances set forth in Section 725 of the federal Act.

22 (4) The quality of key personnel of the applicant
23 and the involvement of individuals with significant
24 disabilities by the applicant.

25 (5) The budgets and cost effectiveness of the
26 applicant.

27 (6) The evaluation plan of the applicant.

28 (7) The ability of the applicant to carry out the
29 plan.

30 The vocational rehabilitation administrator shall award
31 the grant on the basis of the recommendation of the peer
32 review committee if the actions of the committee are
33 consistent with federal and State law.

34 (f) Evaluation and review. The vocational

1 rehabilitation administrator shall periodically review each
2 center for independent living that receives funds from the
3 Department under Title VII of the federal Act, or moneys
4 appropriated from the General Revenue Fund, to determine
5 whether the center is in compliance with the standards and
6 assurances set forth in Section 725 of the federal Act. If
7 the vocational rehabilitation administrator determines that
8 any center receiving those federal or State funds is not in
9 compliance with the standards and assurances set forth in
10 Section 725, the vocational rehabilitation administrator
11 shall immediately notify the center that it is out of
12 compliance. The vocational rehabilitation administrator
13 shall terminate all funds to that center 90 days after the
14 date of notification or, in the case of a center that
15 requests an appeal, the date of any final decision, unless
16 the center submits a plan to achieve compliance within 90
17 days and that plan is approved by the vocational
18 rehabilitation administrator or (if on appeal) by the
19 Commissioner.

20 (Source: P.A. 89-507, eff. 7-1-97; 90-14, eff. 7-1-97;
21 90-372, eff. 7-1-98; 90-453, eff. 8-16-97; 91-239, eff.
22 1-1-00; 91-540, eff. 8-13-99; revised 10-25-99.)

23 Section 22. The Department of Revenue Law of the Civil
24 Administrative Code of Illinois is amended by changing
25 Section 2505-65 as follows:

26 (20 ILCS 2505/2505-65) (was 20 ILCS 2505/39b12)

27 Sec. 2505-65. Exchange of information.

28 (a) The Department has the power to exchange with any
29 state, with any local subdivisions of any state, or with the
30 federal government, except when specifically prohibited by
31 law, any information that may be necessary to efficient tax
32 administration and that may be acquired as a result of the

1 administration of the laws set forth in the Sections
2 following Section 95-10 and preceding Section 2505-60.

3 (b) The Department has the power to exchange with the
4 Illinois Department of Public Aid information that may be
5 necessary for the enforcement of child support orders entered
6 pursuant to the Illinois Public Aid Code, the Illinois
7 Marriage and Dissolution of Marriage Act, the Non-Support of
8 Spouse and Children Act, the Non-Support Punishment Act, the
9 Revised Uniform Reciprocal Enforcement of Support Act, the
10 Uniform Interstate Family Support Act, or the Illinois
11 Parentage Act of 1984. Notwithstanding any provisions in this
12 Code to the contrary, the Department of Revenue shall not be
13 liable to any person for any disclosure of information to the
14 Illinois Department of Public Aid under this subsection (b)
15 or for any other action taken in good faith to comply with
16 the requirements of this subsection (b).

17 (Source: P.A. 90-18, eff. 7-1-97; 91-239, eff. 1-1-00;
18 91-613, eff. 10-1-99; revised 8-5-99.)

19 Section 23. The Department of State Police Law of the
20 Civil Administrative Code of Illinois is amended by changing
21 and resectioning material added to Section 55a as follows:

22 (20 ILCS 2605/2605-302) (was 20 ILCS 2605/55a in part)

23 Sec. 2605-302. Arrest reports.

24 (a) ~~5-5.--Provide,~~ When an individual is arrested, that
25 the following information must be made available to the news
26 media for inspection and copying:

27 (1) ~~(a)~~ Information that identifies the individual
28 ~~person,~~ including the name, age, address, and photograph,
29 when and if available.

30 (2) ~~(b)~~ Information detailing any charges relating
31 to the arrest.

32 (3) ~~(c)~~ The time and location of the arrest.

1 (4) (d) The name of the investigating or arresting
2 law enforcement agency.

3 (5) (e) If the individual is incarcerated, the
4 amount of any bail or bond.

5 (6) (f) If the individual is incarcerated, the time
6 and date that the individual was received, discharged, or
7 transferred from the arresting agency's custody.

8 (b) (1) The information required by this Section
9 paragraph must be made available to the news media for
10 inspection and copying as soon as practicable, but in no
11 event shall the time period exceed 72 hours from the arrest.
12 The information described in items (3), (4), (5), and (6) of
13 subsection (a) subparagraphs (e), (d), (e), and (f) of this
14 paragraph, however, may be withheld if it is determined that
15 disclosure would (i) interfere with pending or actually and
16 reasonably contemplated law enforcement proceedings conducted
17 by any law enforcement or correctional agency; (ii) endanger
18 the life or physical safety of law enforcement or
19 correctional personnel or any other person; or (iii)
20 compromise the security of any correctional facility.

21 (c) (2) For the purposes of this Section paragraph, the
22 term "news media" means personnel of a newspaper or other
23 periodical issued at regular intervals, a news service, a
24 radio station, a television station, a community antenna
25 television service, or a person or corporation engaged in
26 making news reels or other motion picture news for public
27 showing.

28 (d) (3) Each law enforcement or correctional agency may
29 charge fees for arrest records, but in no instance may the
30 fee exceed the actual cost of copying and reproduction. The
31 fees may not include the cost of the labor used to reproduce
32 the arrest record.

33 (e) (4) The provisions of this Section paragraph do not
34 supersede the confidentiality provisions for arrest records

1 of the Juvenile Court Act of 1987.

2 (Source: P.A. 91-309, eff. 7-29-99; revised 11-3-99.)

3 (20 ILCS 2605/2605-330) (was 20 ILCS 2605/55a in part)

4 Sec. 2605-330. Firefighter background investigations.

5 37. Upon the request of the chief of a volunteer fire
6 department, the Department shall conduct criminal background
7 investigations of prospective firefighters and report to the
8 requesting chief any record of convictions maintained in the
9 Department's files about those persons. The Department may
10 charge a fee, based on actual costs, for the dissemination of
11 conviction information under this Section paragraph. The
12 Department may prescribe the form and manner for requesting
13 and furnishing conviction information under this Section
14 paragraph.

15 (Source: P.A. 91-371, eff. 1-1-00; revised 11-3-99.)

16 (20 ILCS 2605/2605-475) (was 20 ILCS 2605/55a in part)

17 Sec. 2605-475. Wireless Emergency Telephone Safety Act.

18 37. To exercise the powers and perform the duties
19 specifically assigned to the Department under the Wireless
20 Emergency Telephone Safety Act with respect to the
21 development and improvement of emergency communications
22 procedures and facilities in such a manner as to facilitate a
23 quick response to any person calling the number "9-1-1"
24 seeking police, fire, medical, or other emergency services
25 through a wireless carrier as defined in Section 10 of the
26 Wireless Emergency Telephone Safety Act. Nothing in the
27 Wireless Emergency Telephone Safety Act shall require the
28 Illinois State Police to provide wireless enhanced 9-1-1
29 services.

30 (Source: P.A. 91-660, eff. 12-22-99; revised 1-17-00.)

31 Section 24. The Criminal Identification Act is amended

1 by changing Section 3 as follows:

2 (20 ILCS 2630/3) (from Ch. 38, par. 206-3)

3 Sec. 3. Information to be furnished peace officers and
4 commanding officers of certain military installations in
5 Illinois.

6 (A) The Department shall file or cause to be filed all
7 plates, photographs, outline pictures, measurements,
8 descriptions and information which shall be received by it by
9 virtue of its office and shall make a complete and systematic
10 record and index of the same, providing thereby a method of
11 convenient reference and comparison. The Department shall
12 furnish, upon application, all information pertaining to the
13 identification of any person or persons, a plate, photograph,
14 outline picture, description, measurements, or any data of
15 which there is a record in its office. Such information shall
16 be furnished to peace officers of the United States, of other
17 states or territories, of the Insular possessions of the
18 United States, of foreign countries duly authorized to
19 receive the same, to all peace officers of the State of
20 Illinois, to investigators of the Illinois Law Enforcement
21 Training Standards Board and, conviction information only, to
22 units of local government, school districts and private
23 organizations, under the provisions of Section 2605-10,
24 2605-15, 2605-75, 2605-100, 2605-105, 2605-110, 2605-115,
25 2605-120, 2605-130, 2605-140, 2605-190, 2605-200, 2605-205,
26 2605-210, 2605-215, 2605-250, 2605-275, 2605-300, 2605-305,
27 2605-315, 2605-325, 2605-335, 2605-340, 2605-350, 2605-355,
28 2605-360, 2605-365, 2605-375, 2605-390, 2605-400, 2605-405,
29 2605-420, 2605-430, 2605-435, 2605-500, 2605-525, or 2605-550
30 of the Department of State Police Law (20 ILCS 2605/2605-10,
31 2605/2605-15, 2605/2605-75, 2605/2605-100, 2605/2605-105,
32 2605/2605-110, 2605/2605-115, 2605/2605-120, 2605/2605-130,
33 2605/2605-140, 2605/2605-190, 2605/2605-200, 2605/2605-205,

1 2605/2605-210, 2605/2605-215, 2605/2605-250, 2605/2605-275,
2 2605/2605-300, 2605/2605-305, 2605/2605-315, 2605/2605-325,
3 2605/2605-335, 2605/2605-340, 2605/2605-350, 2605/2605-355,
4 2605/2605-360, 2605/2605-365, 2605/2605-375, 2605/2605-390,
5 2605/2605-400, 2605/2605-405, 2605/2605-420, 2605/2605-430,
6 2605/2605-435, 2605/2605-500, 2605/2605-525, or
7 2605/2605-550). Applications shall be in writing and
8 accompanied by a certificate, signed by the peace officer or
9 chief administrative officer or his designee making such
10 application, to the effect that the information applied for
11 is necessary in the interest of and will be used solely in
12 the due administration of the criminal laws or for the
13 purpose of evaluating the qualifications and character of
14 employees, prospective employees, volunteers, or prospective
15 volunteers of units of local government, school districts,
16 and private organizations.

17 For the purposes of this subsection, "chief
18 administrative officer" is defined as follows:

19 a) The city manager of a city or, if a city does
20 not employ a city manager, the mayor of the city.

21 b) The manager of a village or, if a village does
22 not employ a manager, the president of the village.

23 c) The chairman or president of a county board or,
24 if a county has adopted the county executive form of
25 government, the chief executive officer of the county.

26 d) The president of the school board of a school
27 district.

28 e) The supervisor of a township.

29 f) The official granted general administrative
30 control of a special district, an authority, or
31 organization of government establishment by law which may
32 issue obligations and which either may levy a property
33 tax or may expend funds of the district, authority, or
34 organization independently of any parent unit of

1 government.

2 g) The executive officer granted general
3 administrative control of a private organization defined
4 in Section 2605-335 of the Department of State Police Law
5 (20 ILCS 2605/2605-335).

6 (B) Upon written application and payment of fees
7 authorized by this subsection, State agencies and units of
8 local government, not including school districts, are
9 authorized to submit fingerprints of employees, prospective
10 employees and license applicants to the Department for the
11 purpose of obtaining conviction information maintained by the
12 Department and the Federal Bureau of Investigation about such
13 persons. The Department shall submit such fingerprints to
14 the Federal Bureau of Investigation on behalf of such
15 agencies and units of local government. The Department shall
16 charge an application fee, based on actual costs, for the
17 dissemination of conviction information pursuant to this
18 subsection. The Department is empowered to establish this
19 fee and shall prescribe the form and manner for requesting
20 and furnishing conviction information pursuant to this
21 subsection.

22 (C) Upon payment of fees authorized by this subsection,
23 the Department shall furnish to the commanding officer of a
24 military installation in Illinois having an arms storage
25 facility, upon written request of such commanding officer or
26 his designee, and in the form and manner prescribed by the
27 Department, all criminal history record information
28 pertaining to any individual seeking access to such a storage
29 facility, where such information is sought pursuant to a
30 federally-mandated security or criminal history check.

31 The Department shall establish and charge a fee, not to
32 exceed actual costs, for providing information pursuant to
33 this subsection.

34 (Source: P.A. 91-176, eff. 7-16-99; 91-239, eff. 1-1-00;

1 revised 10-12-99.)

2 Section 25. The Department of Transportation Law of the
3 Civil Administrative Code of Illinois is amended by changing
4 Section 2705-200 as follows:

5 (20 ILCS 2705/2705-200) (was 20 ILCS 2705/49.16)

6 Sec. 2705-200. Master plan; reporting requirements.

7 (a) The Department has the power to develop and maintain
8 a continuing, comprehensive, and integrated planning process
9 that shall develop and periodically revise a statewide master
10 plan for transportation to guide program development and to
11 foster efficient and economical transportation services in
12 ground, air, water, and all other modes of transportation
13 throughout the State. The Department shall coordinate its
14 transportation planning activities with those of other State
15 agencies and authorities and shall supervise and review any
16 transportation planning performed by other Executive agencies
17 under the direction of the Governor. The Department shall
18 cooperate and participate with federal, regional, interstate,
19 State, and local agencies, in accordance with Sections 5-301
20 and 7-301 of the Illinois Highway Code, and with interested
21 private individuals and organizations in the coordination of
22 plans and policies for development of the state's
23 transportation system.

24 To meet the provisions of this Section, the Department
25 shall publish and deliver to the Governor and General
26 Assembly by January 1, 1982 and every 2 years thereafter, its
27 master plan for highway, waterway, aeronautic, mass
28 transportation, and railroad systems. The plan shall
29 identify priority subsystems or components of each system
30 that are critical to the economic and general welfare of this
31 the State regardless of public jurisdictional responsibility
32 or private ownership.

1 The master plan shall provide particular emphasis and
2 detail of the 5 year period in the immediate future.

3 Annual and 5 year project programs for each State system
4 in this Section shall be published and furnished the General
5 Assembly on the first Wednesday in April of each year.

6 Identified needs included in the project programs shall
7 be listed and mapped in a distinctive fashion to clearly
8 identify the priority status of the projects: (1) projects to
9 be committed for execution; (2) tentative projects that are
10 dependent upon funding or other constraints; and (3) needed
11 projects that are not programmed due to lack of funding or
12 other constraints.

13 All projects shall be related to the priority systems of
14 the master plan, and the priority criteria identified. Cost
15 and estimated completion dates shall be included for work
16 required to complete a useable segment or component beyond
17 the 5 year period of the program.

18 (b) The Department shall publish and deliver to the
19 Governor and General Assembly on the first Wednesday in April
20 of each year a 5-year Highway Improvement Program reporting
21 the number of fiscal years each project has been on previous
22 5-year plans submitted by the Department.

23 (c) The Department shall publish and deliver to the
24 Governor and the General Assembly by November 1 of each year
25 a For the Record report that shall include the following:

26 (1) All the projects accomplished in the previous
27 fiscal year listed by each Illinois Department of
28 Transportation District.

29 (2) The award cost and the beginning dates of each
30 listed project.

31 (Source: P.A. 90-277, eff. 1-1-98; 91-239, eff. 1-1-00;
32 91-357, eff. 7-29-99; revised 8-12-99.)

33 Section 25.5. The Illinois Capital Budget Act is amended

1 by changing Section 3 as follows:

2 (20 ILCS 3010/3) (from Ch. 127, par. 3103)

3 Sec. 3. Each capital improvement program shall include,
4 but not be limited to, roads, bridges, buildings, including
5 schools, prisons, recreational facilities and conservation
6 areas, and other infrastructure facilities that are owned by
7 the State of Illinois.

8 Each capital improvement program shall include a needs
9 assessment of the State's capital facilities. Each needs
10 assessment shall include where possible the inventory, age,
11 condition, use, sources of financing, past investment,
12 maintenance history, trends in condition, financing and
13 investment, and projected dollar amount of need in the next 5
14 years, 10 ~~ten~~ years, and until the year 2000. Needs
15 assessment of State facilities shall use to the fullest
16 extent possible, existing studies and data from other
17 agencies such as the Illinois Department of Transportation,
18 the Illinois Environmental Protection Agency, the Illinois
19 Economic and Fiscal Commission, the Capital Development
20 Board, the Governor's Task Force on the Future of Illinois,
21 and relevant federal agencies, so that studies can be
22 completed as efficiently as possible, and so information on
23 needs can be used to seek federal funds as soon as possible.

24 Each capital improvement program shall include an
25 identification and analysis of factors that affect estimated
26 capital investment needs, including but not limited to,
27 economic assumptions, engineering standards, estimates of
28 spending for operations and maintenance, federal and State
29 regulations, and estimation of demand for services.

30 Each capital improvement program shall include an
31 identification and analysis of the principal ~~principle~~ policy
32 issues that affect estimated capital investment needs,
33 including but not limited to, economic development policy,

1 equity considerations, policies regarding alternative
2 technologies, political jurisdiction over different
3 infrastructure systems, and the role of the private sector in
4 planning for and investing in infrastructure.

5 (Source: P.A. 84-838; revised 9-22-00.)

6 Section 26. The Capital Development Board Act is amended
7 by changing Section 16 as follows:

8 (20 ILCS 3105/16) (from Ch. 127, par. 783b)

9 Sec. 16. (a) In addition to any other power granted in
10 this Act to adopt rules or regulations, the Board may adopt
11 regulations or rules relating to the issuance or renewal of
12 the prequalification of an architect, engineer or contractor
13 or the suspension or modification of the prequalification of
14 any such person or entity including, without limitation, an
15 interim or emergency suspension or modification without a
16 hearing founded on any one or more of the bases set forth in
17 this Section.

18 (b) Among the bases for an interim or emergency
19 suspension or modification of prequalification are:

20 (1) A finding by the Board that the public interest,
21 safety or welfare requires a summary suspension or
22 modification of a prequalification without hearings.

23 (2) The occurrence of an event or series of events
24 which, in the Board's opinion, warrants a summary suspension
25 or modification of a prequalification without a hearing
26 including, without limitation, (i) the indictment of the
27 holder of the prequalification by a State or federal agency
28 or other branch of government for a crime; (ii) the
29 suspension or modification of a license or prequalification
30 by another State agency or federal agency or other branch of
31 government after hearings; (iii) a material breach of a
32 contract made between the Board and an architect, engineer or

1 contractor; and (iv) the failure to comply with State law
2 including, without limitation, the ~~Minority--and--~~Female
3 Business Enterprise for Minorities, Females, and Persons with
4 Disabilities Act, the prevailing wage requirements, and the
5 Steel Products Procurement Act.

6 (c) If a prequalification is suspended or modified by
7 the Board without hearings for any reason set forth in this
8 Section or in Section 10-65 of the Illinois Administrative
9 Procedure Act, as amended, the Board shall within 30 days of
10 the issuance of an order of suspension or modification of a
11 prequalification initiate proceedings for the suspension or
12 modification of or other action upon the prequalification.
13 (Source: P.A. 88-45; revised 8-23-99.)

14 Section 26.2. The Illinois Emergency Management Agency
15 Act is amended by changing Section 10 as follows:

16 (20 ILCS 3305/10) (from Ch. 127, par. 1060)

17 Sec. 10. Emergency Services and Disaster Agencies.

18 (a) Each political subdivision within this State shall
19 be within the jurisdiction of and served by the Illinois
20 Emergency Management Agency and by an emergency services and
21 disaster agency responsible for emergency management
22 programs. A township, if the township is in a county having
23 a population of more than 2,000,000, must have approval of
24 the county coordinator before establishment of a township
25 emergency services and disaster agency.

26 (b) Each county shall maintain an emergency services and
27 disaster agency that has jurisdiction over and serves the
28 entire county, except as otherwise provided under this Act
29 and except that in any county with a population of over
30 3,000,000 containing a municipality with a population of over
31 500,000 the jurisdiction of the county agency shall not
32 extend to the municipality when the municipality has

1 established its own agency.

2 (c) Each municipality with a population of over 500,000
3 shall maintain an emergency services and disaster agency
4 which has jurisdiction over and serves the entire
5 municipality. A municipality with a population less than
6 500,000 may establish, by ordinance, an agency or department
7 responsible for emergency management within the
8 municipality's corporate limits.

9 (d) The Governor shall determine which municipal
10 corporations, other than those specified in paragraph (c) of
11 this Section, need emergency services and disaster agencies
12 of their own and require that they be established and
13 maintained. He shall make his determinations on the basis of
14 the municipality's disaster vulnerability and capability of
15 response related to population size and concentration. The
16 emergency services and disaster agency of a county or
17 township, shall not have a jurisdiction within a political
18 subdivision having its own emergency services and disaster
19 agency, but shall cooperate with the emergency services and
20 disaster agency of a city, village or incorporated town
21 within their borders. The Illinois Emergency Management
22 Agency shall publish and furnish a current list to the
23 municipalities required to have an emergency services and
24 disaster agency under this subsection.

25 (e) Each municipality that is not required to and does
26 not have an emergency services and disaster agency shall have
27 a liaison officer designated to facilitate the cooperation
28 and protection of that municipal corporation with the county
29 emergency services and disaster agency in which it is located
30 in the work of disaster mitigation, preparedness, response,
31 and recovery.

32 (f) The principal executive officer or his designee of
33 each political subdivision in the State shall annually notify
34 the Illinois Emergency Management Agency of the manner in

1 which the political subdivision is providing or securing
2 emergency management, identify the executive head of the
3 agency or the department from which the service is obtained,
4 or the liaison officer in accordance with paragraph (d) of
5 this Section and furnish additional information relating
6 thereto as the Illinois Emergency Management Agency requires.

7 (g) Each emergency services and disaster agency shall
8 prepare and submit to the Illinois Emergency Management
9 Agency for review and approval an emergency operations plan
10 for its geographic boundaries that complies with planning
11 standards developed by the Illinois Emergency Management
12 Agency. The Illinois Emergency Management Agency shall
13 determine which jurisdictions will be required to include
14 earthquake preparedness in their local emergency operations
15 plans.

16 (h) The emergency services and disaster agency shall
17 prepare and distribute to all appropriate officials in
18 written form a clear and complete statement of the emergency
19 responsibilities of all local departments and officials and
20 of the disaster chain of command.

21 (i) Each emergency services and disaster agency shall
22 have a Coordinator who shall be appointed by the principal
23 executive officer of the political subdivision in the same
24 manner as are the heads of regular governmental departments.
25 If the political subdivision is a county and the principal
26 executive officer appoints the sheriff as the Coordinator,
27 the sheriff may, in addition to his regular compensation,
28 receive compensation at the same level as provided in Section
29 3 of "An Act in relation to the regulation of motor vehicle
30 traffic and the promotion of safety on public highways in
31 counties", approved August 9, 1951, as amended. The
32 Coordinator shall have direct responsibility for the
33 organization, administration, training, and operation of the
34 emergency services and disaster agency, subject to the

1 direction and control of that principal executive officer.
2 Each emergency services and disaster agency shall coordinate
3 and may perform emergency management functions within the
4 territorial limits of the political subdivision within which
5 it is organized as are prescribed in and by the State
6 Emergency Operations Plan, and programs, orders, rules and
7 regulations as may be promulgated by the Illinois Emergency
8 Management Agency and by local ordinance and, in addition,
9 shall conduct such functions outside of those territorial
10 limits as may be required under mutual aid agreements and
11 compacts as are entered into under subparagraph (5) of
12 paragraph (c) of Section 6.

13 (j) In carrying out the provisions of this Act, each
14 political subdivision may enter into contracts and incur
15 obligations necessary to place it in a position effectively
16 to combat the disasters as are described in Section 4, to
17 protect the health and safety of persons, to protect
18 property, and to provide emergency assistance to victims of
19 those disasters. If a disaster occurs, each political
20 subdivision may exercise the powers vested under this Section
21 in the light of the exigencies of the disaster and, excepting
22 mandatory constitutional requirements, without regard to the
23 procedures and formalities normally prescribed by law
24 pertaining to the performance of public work, entering into
25 contracts, the incurring of obligations, the employment of
26 temporary workers, the rental of equipment, the purchase of
27 supplies and materials, and the appropriation, expenditure,
28 and disposition of public funds and property.

29 (k) Emergency services and disaster agency personnel
30 who, while engaged in a disaster or disaster training
31 exercise, suffer disease, injury or death, shall, for the
32 purposes of benefits under the Workers' Compensation Act or
33 Workers' Occupational Diseases Act only, be deemed to be
34 employees of the State, if (1) the claimant is a duly

1 qualified and enrolled (sworn in) as a volunteer of the
2 Illinois Emergency Management Agency or an emergency services
3 and disaster agency accredited by the Illinois Emergency
4 Management Agency, and (2) if the claimant was participating
5 in an actual disaster as defined in ~~paragraph-(e)-of~~ Section
6 4 of this Act or the exercise participated in was
7 specifically and expressly approved by the Illinois Emergency
8 Management Agency. Illinois Emergency Management Agency shall
9 use the same criteria for approving an exercise and utilizing
10 State volunteers as required for any political subdivision.
11 The computation of benefits payable under either of those
12 Acts shall be based on the income commensurate with
13 comparable State employees doing the same type work or income
14 from the person's regular employment, whichever is greater.

15 (1) If any person who is entitled to receive benefits
16 through the application of this Section receives, in
17 connection with the disease, injury or death giving rise to
18 such entitlement, benefits under an Act of Congress or
19 federal program, benefits payable under this Section shall be
20 reduced to the extent of the benefits received under that
21 other Act or program.

22 (m) (1) Prior to conducting a disaster training
23 exercise, the principal executive officer of a political
24 subdivision or his designee shall provide area media with
25 written notification of the disaster training exercise.
26 The notification shall indicate that information relating
27 to the disaster training exercise shall not be released
28 to the public until the commencement of the exercise. The
29 notification shall also contain a request that the notice
30 be so posted to ensure that all relevant media personnel
31 are advised of the disaster training exercise before it
32 begins.

33 (2) During the conduct of a disaster training
34 exercise, all messages, two-way radio communications,

1 briefings, status reports, news releases, and other oral
2 or written communications shall begin and end with the
3 following statement: "This is an exercise message".

4 (Source: P.A. 87-168; 88-606, eff. 1-1-95; revised 2-9-00.)

5 Section 26.4. The Illinois Research Park Authority Act
6 is amended by changing Section 1-130 as follows:

7 (20 ILCS 3850/1-130)

8 Sec. 1-130. Complete, additional, and alternative
9 methods. The foregoing Sections of this Act are deemed to
10 provide a complete, additional, and alternative methods for
11 the doing of the things authorized thereby and shall be
12 regarded as supplemental and additional to powers conferred
13 by other laws, provided that the issuance of bonds and
14 refunding bonds under this Act need not comply with the
15 requirements of any other law applicable to the issuance of
16 bonds. Except as otherwise expressly provided in this Act,
17 none of the powers granted to the Authority under this Act
18 shall be subject to the supervision or regulation or require
19 the approval or consent of any municipality or political
20 subdivision or any department, division, commission, board,
21 body, bureau, official, or agency thereof or of the State.

22 (Source: P.A. 88-669, eff. 11-29-94; revised 2-23-00.)

23 Section 26.6. The Correctional Budget and Impact Note
24 Act is amended by changing Sections 3 and 9 as follows:

25 (25 ILCS 70/3) (from Ch. 63, par. 42.83)

26 Sec. 3. Upon the request of the sponsor of any bill
27 described in subsection (a) of Section 2, the Director of the
28 Department of Corrections, or any person within the
29 Department whom the Director may designate, shall prepare a
30 written statement setting forth the information specified in

1 subsection (a) of Section 2. Upon the request of the sponsor
2 of any bill described in subsection (b) of Section 2, the
3 Director of the Administrative Office of the Illinois Courts,
4 or any person the Director may designate, shall prepare a
5 written statement setting forth the information specified in
6 subsection (b) of Section 2.

7 The statement prepared by the Director of Corrections or
8 Director of Administrative Office of the Illinois Courts, as
9 the case may be, shall be designated a Correctional Budget
10 and Impact Note and shall be furnished to the sponsor within
11 10 calendar days thereafter, except that whenever, because of
12 the complexity of the bill, additional time is required for
13 the preparation of the note, the Department of Corrections or
14 Administrative Office of the Illinois Courts may so notify
15 the sponsor and request an extension of time not to exceed 5
16 additional days within which such note is to be furnished.
17 Such extension shall not extend beyond May 15 following the
18 date of the request.

19 (Source: P.A. 89-198, eff. 7-21-95; revised 2-23-00.)

20 (25 ILCS 70/9) (from Ch. 63, par. 42.89)

21 Sec. 9. The subject matter of bills submitted to the
22 Director of the Department of Corrections or the Director of
23 the Administrative Office of the Illinois Courts shall be
24 kept in strict confidence and no information relating thereto
25 or relating to the budget or impact thereof shall be divulged
26 by an official or employee of the Department or the
27 Administrative Office of the Illinois Courts, except to the
28 bill's sponsor or his designee, prior to the bill's
29 introduction in the General Assembly.

30 (Source: P.A. 89-198, eff. 7-21-95; revised 2-23-00.)

31 Section 27. The State Finance Act is amended by changing
32 Section 6z-43 and setting forth, changing, and renumbering

1 multiple versions of Sections 5.490, 5.491, 5.492, 5.505,
2 5.540, 5.541, 5.542, and 8.36 as follows:

3 (30 ILCS 105/5.490)

4 Sec. 5.490. The Horse Racing Equity Fund.

5 (Source: P.A. 91-40, eff. 6-25-99.)

6 (30 ILCS 105/5.491)

7 Sec. 5.491. The Illinois Racing Quarterhorse Breeders
8 Fund.

9 (Source: P.A. 91-40, eff. 6-25-99.)

10 (30 ILCS 105/5.492)

11 Sec. 5.492. The Horse Racing Fund.

12 (Source: P.A. 91-40, eff. 6-25-99.)

13 (30 ILCS 105/5.493)

14 Sec. 5.493. ~~5-490.~~ The Federal Workforce Development
15 Fund.

16 (Source: P.A. 91-34, eff. 7-1-99; revised 11-12-99.)

17 (30 ILCS 105/5.494)

18 Sec. 5.494. ~~5-491.~~ The Energy Assistance Contribution
19 Fund.

20 (Source: P.A. 91-34, eff. 7-1-99; revised 11-12-99.)

21 (30 ILCS 105/5.497)

22 Sec. 5.497. ~~5-491.~~ The Motor Vehicle License Plate Fund.

23 (Source: P.A. 91-37, eff. 7-1-99; revised 11-12-99.)

24 (30 ILCS 105/5.498)

25 Sec. 5.498. ~~5-490.~~ The Fund for Illinois' Future.

26 (Source: P.A. 91-38, eff. 6-15-99; revised 11-12-99.)

1 (30 ILCS 105/5.499)

2 Sec. 5.499. ~~5.490.~~ The Video Conferencing User Fund.

3 (Source: P.A. 91-44, eff. 7-1-99; revised 11-12-99.)

4 (30 ILCS 105/5.501)

5 Sec. 5.501. ~~5.505.~~ The School Technology Revolving Loan
6 Fund.

7 (Source: P.A. 90-548, eff. 1-1-98; revised 12-18-99.)

8 (30 ILCS 105/5.502)

9 Sec. 5.502. ~~5.491.~~ The Electronic Commerce Security
10 Certification Fund.

11 (Source: P.A. 91-58, eff. 7-1-99; revised 11-12-99.)

12 (30 ILCS 105/5.503)

13 Sec. 5.503. ~~5.490.~~ The Prostate Cancer Research Fund.

14 (Source: P.A. 91-104, eff. 7-13-99; revised 11-12-99.)

15 (30 ILCS 105/5.504)

16 (Section scheduled to be repealed on July 16, 2003)

17 Sec. 5.504. ~~5.490.~~ The State Board of Education Fund.

18 This Section is repealed 4 years after the effective date of
19 this amendatory Act of the 91st General Assembly.

20 (Source: P.A. 91-143, eff. 7-16-99; revised 11-12-99.)

21 (30 ILCS 105/5.505)

22 (Section scheduled to be repealed on July 16, 2003)

23 Sec. 5.505. ~~5.491.~~ The State Board of Education Special
24 Purpose Trust Fund. This Section is repealed 4 years after
25 the effective date of this amendatory Act of the 91st General
26 Assembly.

27 (Source: P.A. 91-143, eff. 7-16-99; revised 11-12-99.)

28 (30 ILCS 105/5.506)

1 (Section scheduled to be repealed on July 16, 2003)
 2 Sec. 5.506. ~~5-492.~~ The Private Business and Vocational
 3 Schools Fund. This Section is repealed 4 years after the
 4 effective date of this amendatory Act of the 91st General
 5 Assembly.
 6 (Source: P.A. 91-143, eff. 7-16-99; revised 11-12-99.)

7 (30 ILCS 105/5.507)
 8 Sec. 5.507. ~~5-490.~~ The Open Lands Loan Fund.
 9 (Source: P.A. 91-220, eff. 7-21-99; revised 11-12-99.)

10 (30 ILCS 105/5.508)
 11 Sec. 5.508. ~~5-490.~~ The Diesel Emissions Testing Fund.
 12 (Source: P.A. 91-254, eff. 7-1-99; revised 11-12-99.)

13 (30 ILCS 105/5.509)
 14 Sec. 5.509. ~~5-490.~~ The Death Certificate Surcharge Fund.
 15 (Source: P.A. 91-382, eff. 7-30-99; revised 11-12-99.)

16 (30 ILCS 105/5.510)
 17 Sec. 5.510. ~~5-490.~~ The Charter Schools Revolving Loan
 18 Fund.
 19 (Source: P.A. 91-407, eff. 8-3-99; revised 11-12-99.)

20 (30 ILCS 105/5.511)
 21 Sec. 5.511. ~~5-490.~~ The Illinois Adoption Registry and
 22 Medical Information Exchange Fund.
 23 (Source: P.A. 91-417, eff. 1-1-00; revised 11-12-99.)

24 (30 ILCS 105/5.512)
 25 Sec. 5.512. ~~5-490.~~ The Economic Development for a
 26 Growing Economy Fund.
 27 (Source: P.A. 91-476, eff. 8-11-99; revised 11-12-99.)

1 (30 ILCS 105/5.513)

2 Sec. 5.513. ~~5-490-~~ The Illinois Aquaculture Development
3 Fund.

4 (Source: P.A. 91-530, eff. 8-13-99; revised 11-12-99.)

5 (30 ILCS 105/5.514)

6 Sec. 5.514. ~~5-490-~~ The Motor Carrier Safety Inspection
7 Fund.

8 (Source: P.A. 91-537, eff. 8-13-99; revised 11-12-99.)

9 (30 ILCS 105/5.515)

10 Sec. 5.515. ~~5-490-~~ The Airport Land Loan Revolving Fund.

11 (Source: P.A. 91-543, eff. 8-14-99; revised 11-12-99.)

12 (30 ILCS 105/5.516)

13 Sec. 5.516. ~~5-490-~~ The Illinois Value-Added Agriculture
14 Enhancement Program Fund.

15 (Source: P.A. 91-560, eff. 8-14-99; revised 11-12-99.)

16 (30 ILCS 105/5.517)

17 Sec. 5.517. ~~5-490-~~ The Illinois Building Commission
18 Revolving Fund.

19 (Source: P.A. 91-581, eff. 8-14-99; revised 11-12-99.)

20 (30 ILCS 105/5.518)

21 Sec. 5.518. ~~5-490-~~ Capital Litigation Trust Fund.

22 (Source: P.A. 91-589, eff. 1-1-00; revised 11-12-99.)

23 (30 ILCS 105/5.519)

24 Sec. 5.519. ~~5-490-~~ The Small Business Incubator Fund.

25 (Source: P.A. 91-592, eff. 8-14-99; revised 11-12-99.)

26 (30 ILCS 105/5.520)

27 Sec. 5.520. ~~5-490-~~ The Auction Regulation Administration

1 Fund.

2 (Source: P.A. 91-603, eff. 1-1-00; revised 11-12-99.)

3 (30 ILCS 105/5.521)

4 Sec. 5.521. ~~5.491.~~ The Auction Recovery Fund.

5 (Source: P.A. 91-603, eff. 1-1-00; revised 11-12-99.)

6 (30 ILCS 105/5.522)

7 Sec. 5.522. ~~5.492.~~ The Auction Education Fund.

8 (Source: P.A. 91-603, eff. 1-1-00; revised 11-12-99.)

9 (30 ILCS 105/5.523)

10 Sec. 5.523. ~~5.490.~~ The International Tourism Fund.

11 (Source: P.A. 91-604, eff. 8-16-99; revised 11-12-99.)

12 (30 ILCS 105/5.524)

13 Sec. 5.524. ~~5.490.~~ The NOx Trading System Fund.

14 (Source: P.A. 91-631, eff. 8-19-99; revised 11-12-99.)

15 (30 ILCS 105/5.525)

16 Sec. 5.525. ~~The 5.490.~~ John Joseph Kelly Home Fund.

17 (Source: P.A. 91-634, eff. 8-19-99; revised 11-12-99.)

18 (30 ILCS 105/5.526)

19 Sec. 5.526. ~~5.490.~~ The Insurance Premium Tax Refund

20 Fund.

21 (Source: P.A. 91-643, eff. 8-20-99; revised 11-12-99.)

22 (30 ILCS 105/5.527)

23 Sec. 5.527. ~~5.490.~~ The Assisted Living and Shared

24 Housing Regulatory Fund.

25 (Source: P.A. 91-656, eff. 1-1-01; revised 1-19-00.)

26 (30 ILCS 105/5.528)

1 Sec. 5.528. ~~5-490-~~ The Academic Improvement Trust Fund
2 for Community College Foundations.

3 (Source: P.A. 91-664, eff. 12-22-99; revised 1-19-99.)

4 (30 ILCS 105/5.529)

5 Sec. 5.529. ~~The 5-490-~~ Wireless Service Emergency Fund.

6 (Source: P.A. 91-660, eff. 12-22-99; revised 1-19-00.)

7 (30 ILCS 105/5.530)

8 Sec. 5.530. ~~The 5-491-~~ State Police Wireless Service
9 Emergency Fund.

10 (Source: P.A. 91-660, eff. 12-22-99; revised 1-19-00.)

11 (30 ILCS 105/5.531)

12 Sec. 5.531. ~~The 5-492-~~ Wireless Carrier Reimbursement
13 Fund.

14 (Source: P.A. 91-660, eff. 12-22-99; revised 1-19-00.)

15 (30 ILCS 105/5.532)

16 Sec. 5.532. ~~5-541-~~ The Spinal Cord Injury Paralysis Cure
17 Research Trust Fund.

18 (Source: P.A. 91-737, eff. 6-2-00; revised 7-13-00.)

19 (30 ILCS 105/5.533)

20 Sec. 5.533. ~~5-542-~~ The Brain Injury and Spinal Cord
21 Injury Trust Fund.

22 (Source: P.A. 91-737, eff. 6-2-00; revised 7-13-00.)

23 (30 ILCS 105/5.534)

24 Sec. 5.534. ~~5-541-~~ The Organ Donor Awareness Fund.

25 (Source: P.A. 91-805, eff. 1-1-01; revised 7-13-00.)

26 (30 ILCS 105/5.535)

27 Sec. 5.535. ~~5-540-~~ The National World War II Memorial

1 Fund.

2 (Source: P.A. 91-833, eff. 1-1-01; 91-836, eff. 1-1-01;
3 revised 7-13-00.)

4 (30 ILCS 105/5.536)

5 Sec. 5.536. ~~5.541.~~ The Post Transplant Maintenance and
6 Retention Fund.

7 (Source: P.A. 91-873, eff. 7-1-00; revised 7-13-00.)

8 (30 ILCS 105/5.540)

9 Sec. 5.540. The Tobacco Settlement Recovery Fund.

10 (Source: P.A. 91-646, eff. 11-19-99.)

11 (30 ILCS 105/5.541)

12 Sec. 5.541. The Homeowners' Tax Relief Fund.

13 (Source: P.A. 91-703, eff. 5-16-00.)

14 (30 ILCS 105/5.542)

15 Sec. 5.542. The Budget Stabilization Fund.

16 (Source: P.A. 91-703, eff. 5-16-00.)

17 (30 ILCS 105/6z-43)

18 Sec. 6z-43. Tobacco Settlement Recovery Fund.

19 (a) There is created in the State Treasury a special
20 fund to be known as the Tobacco Settlement Recovery Fund,
21 into which shall be deposited all monies paid to the State
22 pursuant to (1) the Master Settlement Agreement entered in
23 the case of People of the State of Illinois v. Philip Morris,
24 et al. (Circuit Court of Cook County, No. 96-L13146) and (2)
25 any settlement with or judgment against any tobacco product
26 manufacturer other than one participating in the Master
27 Settlement Agreement in satisfaction of any released claim as
28 defined in the Master Settlement Agreement, as well as any
29 other monies as provided by law. All earnings on Fund

1 investments shall be deposited into the Fund. Upon the
2 creation of the Fund, the State Comptroller shall order the
3 State Treasurer to transfer into the Fund any monies paid to
4 the State as described in item (1) or (2) of this Section
5 before the creation of the Fund plus any interest earned on
6 the investment of those monies. The Treasurer may invest the
7 moneys in the Fund in the same manner, in the same types of
8 investments, and subject to the same limitations provided in
9 the Illinois Pension Code for the investment of pension funds
10 other than those established under Article 3 or 4 of the
11 Code.

12 (b) As soon as may be practical after June 30, 2001, the
13 State Comptroller shall direct and the State Treasurer shall
14 transfer the unencumbered balance in the Tobacco Settlement
15 Recovery Fund as of June 30, 2001 into the Budget
16 Stabilization Fund. The Treasurer may invest the moneys in
17 the Budget Stabilization Fund in the same manner, in the same
18 types of investments, and subject to the same limitations
19 provided in the Illinois Pension Code for the investment of
20 pension funds other than those established under Article 3 or
21 4 of the Code.

22 (Source: P.A. 91-646, eff. 11-19-99; 91-704, eff. 7-1-00;
23 91-797, eff. 6-9-00; revised 6-28-00.)

24 (30 ILCS 105/8.36)

25 Sec. 8.36. Airport Land Loan Revolving Fund.
26 Appropriations for loans to public airport owners by the
27 Department of Transportation pursuant to Section 34b of the
28 Illinois Aeronautics Act shall be payable from the Airport
29 Land Loan Revolving Fund.

30 (Source: P.A. 91-543, eff. 8-14-99.)

31 (30 ILCS 105/8.37)

32 Sec. 8.37. ~~8-36~~ State Police Wireless Service Emergency

1 Fund.

2 (a) The State Police Wireless Service Emergency Fund is
3 created as a special fund in the State Treasury.

4 (b) Grants to the Department of State Police from the
5 Wireless Service Emergency Fund shall be deposited into the
6 State Police Wireless Service Emergency Fund and shall be
7 used in accordance with Section 20 of the Wireless Emergency
8 Telephone Safety Act.

9 (c) On July 1, 1999, the State Comptroller and State
10 Treasurer shall transfer \$1,300,000 from the General Revenue
11 Fund to the State Police Wireless Service Emergency Fund. On
12 June 30, 2003 the State Comptroller and State Treasurer shall
13 transfer \$1,300,000 from the State Police Wireless Service
14 Emergency Fund to the General Revenue Fund.

15 (Source: P.A. 91-660, eff. 12-22-99; revised 1-17-00.)

16 Section 28. The General Obligation Bond Act is amended
17 by changing Section 9 as follows:

18 (30 ILCS 330/9) (from Ch. 127, par. 659)

19 Sec. 9. Conditions for Issuance and Sale of Bonds -
20 Requirements for Bonds. Bonds shall be issued and sold from
21 time to time, in one or more series, in such amounts and at
22 such prices as may be directed by the Governor, upon
23 recommendation by the Director of the Bureau of the Budget.
24 Bonds shall be in such form (either coupon, registered or
25 book entry), in such denominations, payable within 30 years
26 from their date, subject to such terms of redemption with or
27 without premium, bear interest payable at such times and at
28 such fixed rate or rates, and ~~the Bond Authorization Act~~ be
29 dated as shall be fixed and determined by the Director of the
30 Bureau of the Budget in the order authorizing the issuance
31 and sale of any series of Bonds, which order shall be
32 approved by the Governor and is herein called a "Bond Sale

1 Order"; provided however, that interest shall not exceed that
2 permitted in the Bond Authorization Act, as now or hereafter
3 amended. Said Bonds shall be payable at such place or
4 places, within or without the State of Illinois, and may be
5 made registrable as to either principal or as to both
6 principal and interest, as shall be specified in the Bond
7 Sale Order. Bonds may be callable or subject to purchase and
8 retirement as fixed and determined in the Bond Sale Order.⁷
9 (Source: P.A. 91-39, eff. 6-15-99; 91-357, eff. 7-29-99;
10 revised 8-23-99.)

11 Section 30. The Downstate Public Transportation Act is
12 amended by changing Section 2-7 as follows:

13 (30 ILCS 740/2-7) (from Ch. 111 2/3, par. 667)

14 Sec. 2-7. Quarterly reports; annual audit.

15 (a) Any Metro-East Transit District participant shall,
16 no later than 30 days following the end of each month of any
17 fiscal year, file with the Department on forms provided by
18 the Department for that purpose, a report of the actual
19 operating deficit experienced during that quarter. The
20 Department shall, upon receipt of the quarterly report, and
21 upon determining that such operating deficits were incurred
22 in conformity with the program of proposed expenditures
23 approved by the Department pursuant to Section 2-11, pay to
24 any Metro-East Transit District participant such portion of
25 such operating deficit as funds have been transferred to the
26 Metro-East Transit Public Transportation Fund and allocated
27 to that Metro-East Transit District participant.

28 (b) Each participant other than any Metro-East Transit
29 District participant shall, 30 days before the end of each
30 quarter, file with the Department on forms provided by the
31 Department for such purposes a report of the projected
32 eligible operating expenses to be incurred in the next

1 quarter and 30 days before the third and fourth quarters of
2 any fiscal year a statement of actual eligible operating
3 expenses incurred in the preceding quarters. Within 45 days
4 of receipt by the Department of such quarterly report, the
5 Comptroller shall order paid and the Treasurer shall pay from
6 the Downstate Public Transportation Fund to each participant
7 an amount equal to one-third of such participant's eligible
8 operating expenses; provided, however, that in Fiscal Year
9 1997, the amount paid to each participant from the Downstate
10 Public Transportation Fund shall be an amount equal to 47% of
11 such participant's eligible operating expenses and shall be
12 increased to 49% in Fiscal Year 1998, 51% in Fiscal Year
13 1999, 53% in Fiscal Year 2000, and 55% in Fiscal Year 2001
14 and thereafter; however, in any year that a participant
15 receives funding under subsection (i) of Section 2705-305 of
16 the Department of Transportation Law (20 ILCS 2705/2705-305),
17 that participant shall be eligible only for assistance equal
18 to the following percentage of its eligible operating
19 expenses: 42% in Fiscal Year 1997, 44% in Fiscal Year 1998,
20 46% in Fiscal Year 1999, 48% in Fiscal Year 2000, and 50% in
21 Fiscal Year 2001 and thereafter. Any such payment for the
22 third and fourth quarters of any fiscal year shall be
23 adjusted to reflect actual eligible operating expenses for
24 preceding quarters of such fiscal year. However, no
25 participant shall receive an amount less than that which was
26 received in the immediate prior year, provided in the event
27 of a shortfall in the fund those participants receiving less
28 than their full allocation pursuant to Section 2-6 of this
29 Article shall be the first participants to receive an amount
30 not less than that received in the immediate prior year.

31 (c) No later than 180 days following the last day of the
32 Fiscal Year each participant shall provide the Department
33 with an audit prepared by a Certified Public Accountant
34 covering that Fiscal Year. Any discrepancy between the

1 grants paid and one-third of the eligible operating expenses
2 or in the case of the Bi-State Metropolitan Development
3 District the approved program amount shall be reconciled by
4 appropriate payment or credit. Beginning in Fiscal Year 1985,
5 for those participants other than the Bi-State Metropolitan
6 Development District, any discrepancy between the grants paid
7 and the percentage of the eligible operating expenses
8 provided for by paragraph (b) of this Section shall be
9 reconciled by appropriate payment or credit.
10 (Source: P.A. 91-239, eff. 1-1-00; 91-357, eff. 7-29-99;
11 revised 8-9-99.)

12 Section 31. The State Mandates Act is amended by
13 changing Sections 8.23 and 8.24 as follows:

14 (30 ILCS 805/8.23)

15 Sec. 8.23. Exempt mandates mandate.

16 (a) Notwithstanding Sections 6 and 8 of this Act, no
17 reimbursement by the State is required for the implementation
18 of any mandate created by Public Act 91-17, 91-56, 91-254,
19 91-401, 91-466, 91-474, 91-478, 91-486, 91-523, 91-578,
20 91-617, 91-635, or 91-651 ~~this-amendatory-Act-of-the-91st~~
21 ~~General-Assembly-1999.~~

22 (b) Notwithstanding Sections 6 and 8 of this Act and
23 except for the payment provided in subsection (k) of Section
24 21-14 of the School Code, no reimbursement by the State is
25 required for the implementation of any mandate created by
26 Public Act 91-102 ~~this-amendatory-Act--of--the--91st--General~~
27 ~~Assembly.~~

28 (Source: P.A. 91-17, eff. 6-4-99; 91-56, eff. 6-30-99;
29 91-102, eff. 7-12-99; 91-254, eff. 7-1-00; 91-401, eff.
30 1-1-00; 91-466, eff. 8-6-99; 91-474, eff. 11-1-99; 91-478,
31 eff. 11-1-99; 91-486, eff. 1-1-00; 91-523, eff. 1-1-00;
32 91-578, eff. 8-14-99; 91-617, eff. 1-1-00; 91-635, eff.

1 8-20-99; 91-651, eff. 1-1-00; revised 1-19-00.)

2 (30 ILCS 805/8.24)

3 Sec. 8.24. Exempt mandate. Notwithstanding Sections 6
4 and 8 of this Act, no reimbursement by the State is required
5 for the implementation of any mandate created by Public Act
6 91-699, 91-722, 91-834, 91-852, 91-870, 91-885, 91-887, or
7 91-897. this-amendatory-Act-of-the-91st-General-Assembly.

8 (Source: P.A. 91-699, eff. 1-1-01; 91-722, eff. 6-2-00;
9 91-834, eff. 1-1-01; 91-852, eff. 6-22-00; 91-870, eff.
10 6-22-00; 91-885, eff. 7-6-00; 91-887, eff. 7-6-00; 91-897,
11 eff. 7-6-00; revised 9-7-00.)

12 Section 32. The Illinois Income Tax Act is amended by
13 changing Sections 201, 203, 703, and 901 as follows:

14 (35 ILCS 5/201) (from Ch. 120, par. 2-201)

15 Sec. 201. Tax Imposed.

16 (a) In general. A tax measured by net income is hereby
17 imposed on every individual, corporation, trust and estate
18 for each taxable year ending after July 31, 1969 on the
19 privilege of earning or receiving income in or as a resident
20 of this State. Such tax shall be in addition to all other
21 occupation or privilege taxes imposed by this State or by any
22 municipal corporation or political subdivision thereof.

23 (b) Rates. The tax imposed by subsection (a) of this
24 Section shall be determined as follows, except as adjusted by
25 subsection (d-1):

26 (1) In the case of an individual, trust or estate,
27 for taxable years ending prior to July 1, 1989, an amount
28 equal to 2 1/2% of the taxpayer's net income for the
29 taxable year.

30 (2) In the case of an individual, trust or estate,
31 for taxable years beginning prior to July 1, 1989 and

1 ending after June 30, 1989, an amount equal to the sum of
2 (i) 2 1/2% of the taxpayer's net income for the period
3 prior to July 1, 1989, as calculated under Section 202.3,
4 and (ii) 3% of the taxpayer's net income for the period
5 after June 30, 1989, as calculated under Section 202.3.

6 (3) In the case of an individual, trust or estate,
7 for taxable years beginning after June 30, 1989, an
8 amount equal to 3% of the taxpayer's net income for the
9 taxable year.

10 (4) (Blank).

11 (5) (Blank).

12 (6) In the case of a corporation, for taxable years
13 ending prior to July 1, 1989, an amount equal to 4% of
14 the taxpayer's net income for the taxable year.

15 (7) In the case of a corporation, for taxable years
16 beginning prior to July 1, 1989 and ending after June 30,
17 1989, an amount equal to the sum of (i) 4% of the
18 taxpayer's net income for the period prior to July 1,
19 1989, as calculated under Section 202.3, and (ii) 4.8% of
20 the taxpayer's net income for the period after June 30,
21 1989, as calculated under Section 202.3.

22 (8) In the case of a corporation, for taxable years
23 beginning after June 30, 1989, an amount equal to 4.8% of
24 the taxpayer's net income for the taxable year.

25 (c) Beginning on July 1, 1979 and thereafter, in
26 addition to such income tax, there is also hereby imposed the
27 Personal Property Tax Replacement Income Tax measured by net
28 income on every corporation (including Subchapter S
29 corporations), partnership and trust, for each taxable year
30 ending after June 30, 1979. Such taxes are imposed on the
31 privilege of earning or receiving income in or as a resident
32 of this State. The Personal Property Tax Replacement Income
33 Tax shall be in addition to the income tax imposed by
34 subsections (a) and (b) of this Section and in addition to

1 all other occupation or privilege taxes imposed by this State
2 or by any municipal corporation or political subdivision
3 thereof.

4 (d) Additional Personal Property Tax Replacement Income
5 Tax Rates. The personal property tax replacement income tax
6 imposed by this subsection and subsection (c) of this Section
7 in the case of a corporation, other than a Subchapter S
8 corporation and except as adjusted by subsection (d-1), shall
9 be an additional amount equal to 2.85% of such taxpayer's net
10 income for the taxable year, except that beginning on January
11 1, 1981, and thereafter, the rate of 2.85% specified in this
12 subsection shall be reduced to 2.5%, and in the case of a
13 partnership, trust or a Subchapter S corporation shall be an
14 additional amount equal to 1.5% of such taxpayer's net income
15 for the taxable year.

16 (d-1) Rate reduction for certain foreign insurers. In
17 the case of a foreign insurer, as defined by Section 35A-5 of
18 the Illinois Insurance Code, whose state or country of
19 domicile imposes on insurers domiciled in Illinois a
20 retaliatory tax (excluding any insurer whose premiums from
21 reinsurance assumed are 50% or more of its total insurance
22 premiums as determined under paragraph (2) of subsection (b)
23 of Section 304, except that for purposes of this
24 determination premiums from reinsurance do not include
25 premiums from inter-affiliate reinsurance arrangements),
26 beginning with taxable years ending on or after December 31,
27 1999, the sum of the rates of tax imposed by subsections (b)
28 and (d) shall be reduced (but not increased) to the rate at
29 which the total amount of tax imposed under this Act, net of
30 all credits allowed under this Act, shall equal (i) the total
31 amount of tax that would be imposed on the foreign insurer's
32 net income allocable to Illinois for the taxable year by such
33 foreign insurer's state or country of domicile if that net
34 income were subject to all income taxes and taxes measured by

1 net income imposed by such foreign insurer's state or country
2 of domicile, net of all credits allowed or (ii) a rate of
3 zero if no such tax is imposed on such income by the foreign
4 insurer's state of domicile. For the purposes of this
5 subsection (d-1), an inter-affiliate includes a mutual
6 insurer under common management.

7 (1) For the purposes of subsection (d-1), in no
8 event shall the sum of the rates of tax imposed by
9 subsections (b) and (d) be reduced below the rate at
10 which the sum of:

11 (A) the total amount of tax imposed on such
12 foreign insurer under this Act for a taxable year,
13 net of all credits allowed under this Act, plus

14 (B) the privilege tax imposed by Section 409
15 of the Illinois Insurance Code, the fire insurance
16 company tax imposed by Section 12 of the Fire
17 Investigation Act, and the fire department taxes
18 imposed under Section 11-10-1 of the Illinois
19 Municipal Code,

20 equals 1.25% of the net taxable premiums written for the
21 taxable year, as described by subsection (1) of Section
22 409 of the Illinois Insurance Code. This paragraph will
23 in no event increase the rates imposed under subsections
24 (b) and (d).

25 (2) Any reduction in the rates of tax imposed by
26 this subsection shall be applied first against the rates
27 imposed by subsection (b) and only after the tax imposed
28 by subsection (a) net of all credits allowed under this
29 Section other than the credit allowed under subsection
30 (i) has been reduced to zero, against the rates imposed
31 by subsection (d).

32 This subsection (d-1) is exempt from the provisions of
33 Section 250.

34 (e) Investment credit. A taxpayer shall be allowed a

1 credit against the Personal Property Tax Replacement Income
2 Tax for investment in qualified property.

3 (1) A taxpayer shall be allowed a credit equal to
4 .5% of the basis of qualified property placed in service
5 during the taxable year, provided such property is placed
6 in service on or after July 1, 1984. There shall be
7 allowed an additional credit equal to .5% of the basis of
8 qualified property placed in service during the taxable
9 year, provided such property is placed in service on or
10 after July 1, 1986, and the taxpayer's base employment
11 within Illinois has increased by 1% or more over the
12 preceding year as determined by the taxpayer's employment
13 records filed with the Illinois Department of Employment
14 Security. Taxpayers who are new to Illinois shall be
15 deemed to have met the 1% growth in base employment for
16 the first year in which they file employment records with
17 the Illinois Department of Employment Security. The
18 provisions added to this Section by Public Act 85-1200
19 (and restored by Public Act 87-895) shall be construed as
20 declaratory of existing law and not as a new enactment.
21 If, in any year, the increase in base employment within
22 Illinois over the preceding year is less than 1%, the
23 additional credit shall be limited to that percentage
24 times a fraction, the numerator of which is .5% and the
25 denominator of which is 1%, but shall not exceed .5%.
26 The investment credit shall not be allowed to the extent
27 that it would reduce a taxpayer's liability in any tax
28 year below zero, nor may any credit for qualified
29 property be allowed for any year other than the year in
30 which the property was placed in service in Illinois. For
31 tax years ending on or after December 31, 1987, and on or
32 before December 31, 1988, the credit shall be allowed for
33 the tax year in which the property is placed in service,
34 or, if the amount of the credit exceeds the tax liability

1 for that year, whether it exceeds the original liability
2 or the liability as later amended, such excess may be
3 carried forward and applied to the tax liability of the 5
4 taxable years following the excess credit years if the
5 taxpayer (i) makes investments which cause the creation
6 of a minimum of 2,000 full-time equivalent jobs in
7 Illinois, (ii) is located in an enterprise zone
8 established pursuant to the Illinois Enterprise Zone Act
9 and (iii) is certified by the Department of Commerce and
10 Community Affairs as complying with the requirements
11 specified in clause (i) and (ii) by July 1, 1986. The
12 Department of Commerce and Community Affairs shall notify
13 the Department of Revenue of all such certifications
14 immediately. For tax years ending after December 31,
15 1988, the credit shall be allowed for the tax year in
16 which the property is placed in service, or, if the
17 amount of the credit exceeds the tax liability for that
18 year, whether it exceeds the original liability or the
19 liability as later amended, such excess may be carried
20 forward and applied to the tax liability of the 5 taxable
21 years following the excess credit years. The credit shall
22 be applied to the earliest year for which there is a
23 liability. If there is credit from more than one tax year
24 that is available to offset a liability, earlier credit
25 shall be applied first.

26 (2) The term "qualified property" means property
27 which:

28 (A) is tangible, whether new or used,
29 including buildings and structural components of
30 buildings and signs that are real property, but not
31 including land or improvements to real property that
32 are not a structural component of a building such as
33 landscaping, sewer lines, local access roads,
34 fencing, parking lots, and other appurtenances;

1 (B) is depreciable pursuant to Section 167 of
2 the Internal Revenue Code, except that "3-year
3 property" as defined in Section 168(c)(2)(A) of that
4 Code is not eligible for the credit provided by this
5 subsection (e);

6 (C) is acquired by purchase as defined in
7 Section 179(d) of the Internal Revenue Code;

8 (D) is used in Illinois by a taxpayer who is
9 primarily engaged in manufacturing, or in mining
10 coal or fluorite, or in retailing; and

11 (E) has not previously been used in Illinois
12 in such a manner and by such a person as would
13 qualify for the credit provided by this subsection
14 (e) or subsection (f).

15 (3) For purposes of this subsection (e),
16 "manufacturing" means the material staging and production
17 of tangible personal property by procedures commonly
18 regarded as manufacturing, processing, fabrication, or
19 assembling which changes some existing material into new
20 shapes, new qualities, or new combinations. For purposes
21 of this subsection (e) the term "mining" shall have the
22 same meaning as the term "mining" in Section 613(c) of
23 the Internal Revenue Code. For purposes of this
24 subsection (e), the term "retailing" means the sale of
25 tangible personal property or services rendered in
26 conjunction with the sale of tangible consumer goods or
27 commodities.

28 (4) The basis of qualified property shall be the
29 basis used to compute the depreciation deduction for
30 federal income tax purposes.

31 (5) If the basis of the property for federal income
32 tax depreciation purposes is increased after it has been
33 placed in service in Illinois by the taxpayer, the amount
34 of such increase shall be deemed property placed in

1 service on the date of such increase in basis.

2 (6) The term "placed in service" shall have the
3 same meaning as under Section 46 of the Internal Revenue
4 Code.

5 (7) If during any taxable year, any property ceases
6 to be qualified property in the hands of the taxpayer
7 within 48 months after being placed in service, or the
8 situs of any qualified property is moved outside Illinois
9 within 48 months after being placed in service, the
10 Personal Property Tax Replacement Income Tax for such
11 taxable year shall be increased. Such increase shall be
12 determined by (i) recomputing the investment credit which
13 would have been allowed for the year in which credit for
14 such property was originally allowed by eliminating such
15 property from such computation and, (ii) subtracting such
16 recomputed credit from the amount of credit previously
17 allowed. For the purposes of this paragraph (7), a
18 reduction of the basis of qualified property resulting
19 from a redetermination of the purchase price shall be
20 deemed a disposition of qualified property to the extent
21 of such reduction.

22 (8) Unless the investment credit is extended by
23 law, the basis of qualified property shall not include
24 costs incurred after December 31, 2003, except for costs
25 incurred pursuant to a binding contract entered into on
26 or before December 31, 2003.

27 (9) Each taxable year ending before December 31,
28 2000, a partnership may elect to pass through to its
29 partners the credits to which the partnership is entitled
30 under this subsection (e) for the taxable year. A
31 partner may use the credit allocated to him or her under
32 this paragraph only against the tax imposed in
33 subsections (c) and (d) of this Section. If the
34 partnership makes that election, those credits shall be

1 allocated among the partners in the partnership in
2 accordance with the rules set forth in Section 704(b) of
3 the Internal Revenue Code, and the rules promulgated
4 under that Section, and the allocated amount of the
5 credits shall be allowed to the partners for that taxable
6 year. The partnership shall make this election on its
7 Personal Property Tax Replacement Income Tax return for
8 that taxable year. The election to pass through the
9 credits shall be irrevocable.

10 For taxable years ending on or after December 31,
11 2000, a partner that qualifies its partnership for a
12 subtraction under subparagraph (I) of paragraph (2) of
13 subsection (d) of Section 203 or a shareholder that
14 qualifies a Subchapter S corporation for a subtraction
15 under subparagraph (S) of paragraph (2) of subsection (b)
16 of Section 203 shall be allowed a credit under this
17 subsection (e) equal to its share of the credit earned
18 under this subsection (e) during the taxable year by the
19 partnership or Subchapter S corporation, determined in
20 accordance with the determination of income and
21 distributive share of income under Sections 702 and 704
22 and Subchapter S of the Internal Revenue Code. This
23 paragraph is exempt from the provisions of Section 250.

24 (f) Investment credit; Enterprise Zone.

25 (1) A taxpayer shall be allowed a credit against
26 the tax imposed by subsections (a) and (b) of this
27 Section for investment in qualified property which is
28 placed in service in an Enterprise Zone created pursuant
29 to the Illinois Enterprise Zone Act. For partners,
30 shareholders of Subchapter S corporations, and owners of
31 limited liability companies, if the liability company is
32 treated as a partnership for purposes of federal and
33 State income taxation, there shall be allowed a credit
34 under this subsection (f) to be determined in accordance

1 with the determination of income and distributive share
2 of income under Sections 702 and 704 and Subchapter S of
3 the Internal Revenue Code. The credit shall be .5% of the
4 basis for such property. The credit shall be available
5 only in the taxable year in which the property is placed
6 in service in the Enterprise Zone and shall not be
7 allowed to the extent that it would reduce a taxpayer's
8 liability for the tax imposed by subsections (a) and (b)
9 of this Section to below zero. For tax years ending on or
10 after December 31, 1985, the credit shall be allowed for
11 the tax year in which the property is placed in service,
12 or, if the amount of the credit exceeds the tax liability
13 for that year, whether it exceeds the original liability
14 or the liability as later amended, such excess may be
15 carried forward and applied to the tax liability of the 5
16 taxable years following the excess credit year. The
17 credit shall be applied to the earliest year for which
18 there is a liability. If there is credit from more than
19 one tax year that is available to offset a liability, the
20 credit accruing first in time shall be applied first.

21 (2) The term qualified property means property
22 which:

23 (A) is tangible, whether new or used,
24 including buildings and structural components of
25 buildings;

26 (B) is depreciable pursuant to Section 167 of
27 the Internal Revenue Code, except that "3-year
28 property" as defined in Section 168(c)(2)(A) of that
29 Code is not eligible for the credit provided by this
30 subsection (f);

31 (C) is acquired by purchase as defined in
32 Section 179(d) of the Internal Revenue Code;

33 (D) is used in the Enterprise Zone by the
34 taxpayer; and

1 (E) has not been previously used in Illinois
2 in such a manner and by such a person as would
3 qualify for the credit provided by this subsection
4 (f) or subsection (e).

5 (3) The basis of qualified property shall be the
6 basis used to compute the depreciation deduction for
7 federal income tax purposes.

8 (4) If the basis of the property for federal income
9 tax depreciation purposes is increased after it has been
10 placed in service in the Enterprise Zone by the taxpayer,
11 the amount of such increase shall be deemed property
12 placed in service on the date of such increase in basis.

13 (5) The term "placed in service" shall have the
14 same meaning as under Section 46 of the Internal Revenue
15 Code.

16 (6) If during any taxable year, any property ceases
17 to be qualified property in the hands of the taxpayer
18 within 48 months after being placed in service, or the
19 situs of any qualified property is moved outside the
20 Enterprise Zone within 48 months after being placed in
21 service, the tax imposed under subsections (a) and (b) of
22 this Section for such taxable year shall be increased.
23 Such increase shall be determined by (i) recomputing the
24 investment credit which would have been allowed for the
25 year in which credit for such property was originally
26 allowed by eliminating such property from such
27 computation, and (ii) subtracting such recomputed credit
28 from the amount of credit previously allowed. For the
29 purposes of this paragraph (6), a reduction of the basis
30 of qualified property resulting from a redetermination of
31 the purchase price shall be deemed a disposition of
32 qualified property to the extent of such reduction.

33 (g) Jobs Tax Credit; Enterprise Zone and Foreign Trade
34 Zone or Sub-Zone.

1 (1) A taxpayer conducting a trade or business in an
 2 enterprise zone or a High Impact Business designated by
 3 the Department of Commerce and Community Affairs
 4 conducting a trade or business in a federally designated
 5 Foreign Trade Zone or Sub-Zone shall be allowed a credit
 6 against the tax imposed by subsections (a) and (b) of
 7 this Section in the amount of \$500 per eligible employee
 8 hired to work in the zone during the taxable year.

9 (2) To qualify for the credit:

10 (A) the taxpayer must hire 5 or more eligible
 11 employees to work in an enterprise zone or federally
 12 designated Foreign Trade Zone or Sub-Zone during the
 13 taxable year;

14 (B) the taxpayer's total employment within the
 15 enterprise zone or federally designated Foreign
 16 Trade Zone or Sub-Zone must increase by 5 or more
 17 full-time employees beyond the total employed in
 18 that zone at the end of the previous tax year for
 19 which a jobs tax credit under this Section was
 20 taken, or beyond the total employed by the taxpayer
 21 as of December 31, 1985, whichever is later; and

22 (C) the eligible employees must be employed
 23 180 consecutive days in order to be deemed hired for
 24 purposes of this subsection.

25 (3) An "eligible employee" means an employee who
 26 is:

27 (A) Certified by the Department of Commerce
 28 and Community Affairs as "eligible for services"
 29 pursuant to regulations promulgated in accordance
 30 with Title II of the Job Training Partnership Act,
 31 Training Services for the Disadvantaged or Title III
 32 of the Job Training Partnership Act, Employment and
 33 Training Assistance for Dislocated Workers Program.

34 (B) Hired after the enterprise zone or

1 federally designated Foreign Trade Zone or Sub-Zone
2 was designated or the trade or business was located
3 in that zone, whichever is later.

4 (C) Employed in the enterprise zone or Foreign
5 Trade Zone or Sub-Zone. An employee is employed in
6 an enterprise zone or federally designated Foreign
7 Trade Zone or Sub-Zone if his services are rendered
8 there or it is the base of operations for the
9 services performed.

10 (D) A full-time employee working 30 or more
11 hours per week.

12 (4) For tax years ending on or after December 31,
13 1985 and prior to December 31, 1988, the credit shall be
14 allowed for the tax year in which the eligible employees
15 are hired. For tax years ending on or after December 31,
16 1988, the credit shall be allowed for the tax year
17 immediately following the tax year in which the eligible
18 employees are hired. If the amount of the credit exceeds
19 the tax liability for that year, whether it exceeds the
20 original liability or the liability as later amended,
21 such excess may be carried forward and applied to the tax
22 liability of the 5 taxable years following the excess
23 credit year. The credit shall be applied to the earliest
24 year for which there is a liability. If there is credit
25 from more than one tax year that is available to offset a
26 liability, earlier credit shall be applied first.

27 (5) The Department of Revenue shall promulgate such
28 rules and regulations as may be deemed necessary to carry
29 out the purposes of this subsection (g).

30 (6) The credit shall be available for eligible
31 employees hired on or after January 1, 1986.

32 (h) Investment credit; High Impact Business.

33 (1) Subject to subsection (b) of Section 5.5 of the
34 Illinois Enterprise Zone Act, a taxpayer shall be allowed

1 a credit against the tax imposed by subsections (a) and
2 (b) of this Section for investment in qualified property
3 which is placed in service by a Department of Commerce
4 and Community Affairs designated High Impact Business.
5 The credit shall be .5% of the basis for such property.
6 The credit shall not be available until the minimum
7 investments in qualified property set forth in Section
8 5.5 of the Illinois Enterprise Zone Act have been
9 satisfied and shall not be allowed to the extent that it
10 would reduce a taxpayer's liability for the tax imposed
11 by subsections (a) and (b) of this Section to below zero.
12 The credit applicable to such minimum investments shall
13 be taken in the taxable year in which such minimum
14 investments have been completed. The credit for
15 additional investments beyond the minimum investment by a
16 designated high impact business shall be available only
17 in the taxable year in which the property is placed in
18 service and shall not be allowed to the extent that it
19 would reduce a taxpayer's liability for the tax imposed
20 by subsections (a) and (b) of this Section to below zero.
21 For tax years ending on or after December 31, 1987, the
22 credit shall be allowed for the tax year in which the
23 property is placed in service, or, if the amount of the
24 credit exceeds the tax liability for that year, whether
25 it exceeds the original liability or the liability as
26 later amended, such excess may be carried forward and
27 applied to the tax liability of the 5 taxable years
28 following the excess credit year. The credit shall be
29 applied to the earliest year for which there is a
30 liability. If there is credit from more than one tax
31 year that is available to offset a liability, the credit
32 accruing first in time shall be applied first.

33 Changes made in this subdivision (h)(1) by Public
34 Act 88-670 restore changes made by Public Act 85-1182 and

1 reflect existing law.

2 (2) The term qualified property means property
3 which:

4 (A) is tangible, whether new or used,
5 including buildings and structural components of
6 buildings;

7 (B) is depreciable pursuant to Section 167 of
8 the Internal Revenue Code, except that "3-year
9 property" as defined in Section 168(c)(2)(A) of that
10 Code is not eligible for the credit provided by this
11 subsection (h);

12 (C) is acquired by purchase as defined in
13 Section 179(d) of the Internal Revenue Code; and

14 (D) is not eligible for the Enterprise Zone
15 Investment Credit provided by subsection (f) of this
16 Section.

17 (3) The basis of qualified property shall be the
18 basis used to compute the depreciation deduction for
19 federal income tax purposes.

20 (4) If the basis of the property for federal income
21 tax depreciation purposes is increased after it has been
22 placed in service in a federally designated Foreign Trade
23 Zone or Sub-Zone located in Illinois by the taxpayer, the
24 amount of such increase shall be deemed property placed
25 in service on the date of such increase in basis.

26 (5) The term "placed in service" shall have the
27 same meaning as under Section 46 of the Internal Revenue
28 Code.

29 (6) If during any taxable year ending on or before
30 December 31, 1996, any property ceases to be qualified
31 property in the hands of the taxpayer within 48 months
32 after being placed in service, or the situs of any
33 qualified property is moved outside Illinois within 48
34 months after being placed in service, the tax imposed

1 under subsections (a) and (b) of this Section for such
2 taxable year shall be increased. Such increase shall be
3 determined by (i) recomputing the investment credit which
4 would have been allowed for the year in which credit for
5 such property was originally allowed by eliminating such
6 property from such computation, and (ii) subtracting such
7 recomputed credit from the amount of credit previously
8 allowed. For the purposes of this paragraph (6), a
9 reduction of the basis of qualified property resulting
10 from a redetermination of the purchase price shall be
11 deemed a disposition of qualified property to the extent
12 of such reduction.

13 (7) Beginning with tax years ending after December
14 31, 1996, if a taxpayer qualifies for the credit under
15 this subsection (h) and thereby is granted a tax
16 abatement and the taxpayer relocates its entire facility
17 in violation of the explicit terms and length of the
18 contract under Section 18-183 of the Property Tax Code,
19 the tax imposed under subsections (a) and (b) of this
20 Section shall be increased for the taxable year in which
21 the taxpayer relocated its facility by an amount equal to
22 the amount of credit received by the taxpayer under this
23 subsection (h).

24 (i) A credit shall be allowed against the tax imposed by
25 subsections (a) and (b) of this Section for the tax imposed
26 by subsections (c) and (d) of this Section. This credit
27 shall be computed by multiplying the tax imposed by
28 subsections (c) and (d) of this Section by a fraction, the
29 numerator of which is base income allocable to Illinois and
30 the denominator of which is Illinois base income, and further
31 multiplying the product by the tax rate imposed by
32 subsections (a) and (b) of this Section.

33 Any credit earned on or after December 31, 1986 under
34 this subsection which is unused in the year the credit is

1 computed because it exceeds the tax liability imposed by
2 subsections (a) and (b) for that year (whether it exceeds the
3 original liability or the liability as later amended) may be
4 carried forward and applied to the tax liability imposed by
5 subsections (a) and (b) of the 5 taxable years following the
6 excess credit year. This credit shall be applied first to
7 the earliest year for which there is a liability. If there
8 is a credit under this subsection from more than one tax year
9 that is available to offset a liability the earliest credit
10 arising under this subsection shall be applied first.

11 If, during any taxable year ending on or after December
12 31, 1986, the tax imposed by subsections (c) and (d) of this
13 Section for which a taxpayer has claimed a credit under this
14 subsection (i) is reduced, the amount of credit for such tax
15 shall also be reduced. Such reduction shall be determined by
16 recomputing the credit to take into account the reduced tax
17 imposed by subsection (c) and (d). If any portion of the
18 reduced amount of credit has been carried to a different
19 taxable year, an amended return shall be filed for such
20 taxable year to reduce the amount of credit claimed.

21 (j) Training expense credit. Beginning with tax years
22 ending on or after December 31, 1986, a taxpayer shall be
23 allowed a credit against the tax imposed by subsection (a)
24 and (b) under this Section for all amounts paid or accrued,
25 on behalf of all persons employed by the taxpayer in Illinois
26 or Illinois residents employed outside of Illinois by a
27 taxpayer, for educational or vocational training in
28 semi-technical or technical fields or semi-skilled or skilled
29 fields, which were deducted from gross income in the
30 computation of taxable income. The credit against the tax
31 imposed by subsections (a) and (b) shall be 1.6% of such
32 training expenses. For partners, shareholders of subchapter
33 S corporations, and owners of limited liability companies, if
34 the liability company is treated as a partnership for

1 purposes of federal and State income taxation, there shall be
2 allowed a credit under this subsection (j) to be determined
3 in accordance with the determination of income and
4 distributive share of income under Sections 702 and 704 and
5 subchapter S of the Internal Revenue Code.

6 Any credit allowed under this subsection which is unused
7 in the year the credit is earned may be carried forward to
8 each of the 5 taxable years following the year for which the
9 credit is first computed until it is used. This credit shall
10 be applied first to the earliest year for which there is a
11 liability. If there is a credit under this subsection from
12 more than one tax year that is available to offset a
13 liability the earliest credit arising under this subsection
14 shall be applied first.

15 (k) Research and development credit.

16 Beginning with tax years ending after July 1, 1990, a
17 taxpayer shall be allowed a credit against the tax imposed by
18 subsections (a) and (b) of this Section for increasing
19 research activities in this State. The credit allowed
20 against the tax imposed by subsections (a) and (b) shall be
21 equal to 6 1/2% of the qualifying expenditures for increasing
22 research activities in this State. For partners, shareholders
23 of subchapter S corporations, and owners of limited liability
24 companies, if the liability company is treated as a
25 partnership for purposes of federal and State income
26 taxation, there shall be allowed a credit under this
27 subsection to be determined in accordance with the
28 determination of income and distributive share of income
29 under Sections 702 and 704 and subchapter S of the Internal
30 Revenue Code.

31 For purposes of this subsection, "qualifying
32 expenditures" means the qualifying expenditures as defined
33 for the federal credit for increasing research activities
34 which would be allowable under Section 41 of the Internal

1 Revenue Code and which are conducted in this State,
2 "qualifying expenditures for increasing research activities
3 in this State" means the excess of qualifying expenditures
4 for the taxable year in which incurred over qualifying
5 expenditures for the base period, "qualifying expenditures
6 for the base period" means the average of the qualifying
7 expenditures for each year in the base period, and "base
8 period" means the 3 taxable years immediately preceding the
9 taxable year for which the determination is being made.

10 Any credit in excess of the tax liability for the taxable
11 year may be carried forward. A taxpayer may elect to have the
12 unused credit shown on its final completed return carried
13 over as a credit against the tax liability for the following
14 5 taxable years or until it has been fully used, whichever
15 occurs first.

16 If an unused credit is carried forward to a given year
17 from 2 or more earlier years, that credit arising in the
18 earliest year will be applied first against the tax liability
19 for the given year. If a tax liability for the given year
20 still remains, the credit from the next earliest year will
21 then be applied, and so on, until all credits have been used
22 or no tax liability for the given year remains. Any
23 remaining unused credit or credits then will be carried
24 forward to the next following year in which a tax liability
25 is incurred, except that no credit can be carried forward to
26 a year which is more than 5 years after the year in which the
27 expense for which the credit is given was incurred.

28 Unless extended by law, the credit shall not include
29 costs incurred after December 31, 2004, except for costs
30 incurred pursuant to a binding contract entered into on or
31 before December 31, 2004.

32 No inference shall be drawn from this amendatory Act of
33 the 91st General Assembly in construing this Section for
34 taxable years beginning before January 1, 1999.

1 (1) Environmental Remediation Tax Credit.

2 (i) For tax years ending after December 31, 1997

3 and on or before December 31, 2001, a taxpayer shall be

4 allowed a credit against the tax imposed by subsections

5 (a) and (b) of this Section for certain amounts paid for

6 unreimbursed eligible remediation costs, as specified in

7 this subsection. For purposes of this Section,

8 "unreimbursed eligible remediation costs" means costs

9 approved by the Illinois Environmental Protection Agency

10 ("Agency") under Section 58.14 of the Environmental

11 Protection Act that were paid in performing environmental

12 remediation at a site for which a No Further Remediation

13 Letter was issued by the Agency and recorded under

14 Section 58.10 of the Environmental Protection Act. The

15 credit must be claimed for the taxable year in which

16 Agency approval of the eligible remediation costs is

17 granted. The credit is not available to any taxpayer if

18 the taxpayer or any related party caused or contributed

19 to, in any material respect, a release of regulated

20 substances on, in, or under the site that was identified

21 and addressed by the remedial action pursuant to the Site

22 Remediation Program of the Environmental Protection Act.

23 After the Pollution Control Board rules are adopted

24 pursuant to the Illinois Administrative Procedure Act for

25 the administration and enforcement of Section 58.9 of the

26 Environmental Protection Act, determinations as to credit

27 availability for purposes of this Section shall be made

28 consistent with those rules. For purposes of this

29 Section, "taxpayer" includes a person whose tax

30 attributes the taxpayer has succeeded to under Section

31 381 of the Internal Revenue Code and "related party"

32 includes the persons disallowed a deduction for losses by

33 paragraphs (b), (c), and (f)(1) of Section 267 of the

34 Internal Revenue Code by virtue of being a related

1 taxpayer, as well as any of its partners. The credit
2 allowed against the tax imposed by subsections (a) and
3 (b) shall be equal to 25% of the unreimbursed eligible
4 remediation costs in excess of \$100,000 per site, except
5 that the \$100,000 threshold shall not apply to any site
6 contained in an enterprise zone as determined by the
7 Department of Commerce and Community Affairs. The total
8 credit allowed shall not exceed \$40,000 per year with a
9 maximum total of \$150,000 per site. For partners and
10 shareholders of subchapter S corporations, there shall be
11 allowed a credit under this subsection to be determined
12 in accordance with the determination of income and
13 distributive share of income under Sections 702 and 704
14 and of subchapter S of the Internal Revenue Code.

15 (ii) A credit allowed under this subsection that is
16 unused in the year the credit is earned may be carried
17 forward to each of the 5 taxable years following the year
18 for which the credit is first earned until it is used.
19 The term "unused credit" does not include any amounts of
20 unreimbursed eligible remediation costs in excess of the
21 maximum credit per site authorized under paragraph (i).
22 This credit shall be applied first to the earliest year
23 for which there is a liability. If there is a credit
24 under this subsection from more than one tax year that is
25 available to offset a liability, the earliest credit
26 arising under this subsection shall be applied first. A
27 credit allowed under this subsection may be sold to a
28 buyer as part of a sale of all or part of the remediation
29 site for which the credit was granted. The purchaser of
30 a remediation site and the tax credit shall succeed to
31 the unused credit and remaining carry-forward period of
32 the seller. To perfect the transfer, the assignor shall
33 record the transfer in the chain of title for the site
34 and provide written notice to the Director of the

1 Illinois Department of Revenue of the assignor's intent
2 to sell the remediation site and the amount of the tax
3 credit to be transferred as a portion of the sale. In no
4 event may a credit be transferred to any taxpayer if the
5 taxpayer or a related party would not be eligible under
6 the provisions of subsection (i).

7 (iii) For purposes of this Section, the term "site"
8 shall have the same meaning as under Section 58.2 of the
9 Environmental Protection Act.

10 (m) Education expense credit.

11 Beginning with tax years ending after December 31, 1999,
12 a taxpayer who is the custodian of one or more qualifying
13 pupils shall be allowed a credit against the tax imposed by
14 subsections (a) and (b) of this Section for qualified
15 education expenses incurred on behalf of the qualifying
16 pupils. The credit shall be equal to 25% of qualified
17 education expenses, but in no event may the total credit
18 under this Section claimed by a family that is the custodian
19 of qualifying pupils exceed \$500. In no event shall a credit
20 under this subsection reduce the taxpayer's liability under
21 this Act to less than zero. This subsection is exempt from
22 the provisions of Section 250 of this Act.

23 For purposes of this subsection;

24 "Qualifying pupils" means individuals who (i) are
25 residents of the State of Illinois, (ii) are under the age of
26 21 at the close of the school year for which a credit is
27 sought, and (iii) during the school year for which a credit
28 is sought were full-time pupils enrolled in a kindergarten
29 through twelfth grade education program at any school, as
30 defined in this subsection.

31 "Qualified education expense" means the amount incurred
32 on behalf of a qualifying pupil in excess of \$250 for
33 tuition, book fees, and lab fees at the school in which the
34 pupil is enrolled during the regular school year.

1 "School" means any public or nonpublic elementary or
2 secondary school in Illinois that is in compliance with Title
3 VI of the Civil Rights Act of 1964 and attendance at which
4 satisfies the requirements of Section 26-1 of the School
5 Code, except that nothing shall be construed to require a
6 child to attend any particular public or nonpublic school to
7 qualify for the credit under this Section.

8 "Custodian" means, with respect to qualifying pupils, an
9 Illinois resident who is a parent, the parents, a legal
10 guardian, or the legal guardians of the qualifying pupils.

11 (Source: P.A. 90-123, eff. 7-21-97; 90-458, eff. 8-17-97;
12 90-605, eff. 6-30-98; 90-655, eff. 7-30-98; 90-717, eff.
13 8-7-98; 90-792, eff. 1-1-99; 91-9, eff. 1-1-00; 91-357, eff.
14 7-29-99; 91-643, eff. 8-20-99; 91-644, eff. 8-20-99; 91-860,
15 eff. 6-22-00; 91-913, eff. 1-1-01; revised 10-24-00.)

16 (35 ILCS 5/203) (from Ch. 120, par. 2-203)

17 Sec. 203. Base income defined.

18 (a) Individuals.

19 (1) In general. In the case of an individual, base
20 income means an amount equal to the taxpayer's adjusted
21 gross income for the taxable year as modified by
22 paragraph (2).

23 (2) Modifications. The adjusted gross income
24 referred to in paragraph (1) shall be modified by adding
25 thereto the sum of the following amounts:

26 (A) An amount equal to all amounts paid or
27 accrued to the taxpayer as interest or dividends
28 during the taxable year to the extent excluded from
29 gross income in the computation of adjusted gross
30 income, except stock dividends of qualified public
31 utilities described in Section 305(e) of the
32 Internal Revenue Code;

33 (B) An amount equal to the amount of tax

1 imposed by this Act to the extent deducted from
2 gross income in the computation of adjusted gross
3 income for the taxable year;

4 (C) An amount equal to the amount received
5 during the taxable year as a recovery or refund of
6 real property taxes paid with respect to the
7 taxpayer's principal residence under the Revenue Act
8 of 1939 and for which a deduction was previously
9 taken under subparagraph (L) of this paragraph (2)
10 prior to July 1, 1991, the retrospective application
11 date of Article 4 of Public Act 87-17. In the case
12 of multi-unit or multi-use structures and farm
13 dwellings, the taxes on the taxpayer's principal
14 residence shall be that portion of the total taxes
15 for the entire property which is attributable to
16 such principal residence;

17 (D) An amount equal to the amount of the
18 capital gain deduction allowable under the Internal
19 Revenue Code, to the extent deducted from gross
20 income in the computation of adjusted gross income;

21 (D-5) An amount, to the extent not included in
22 adjusted gross income, equal to the amount of money
23 withdrawn by the taxpayer in the taxable year from a
24 medical care savings account and the interest earned
25 on the account in the taxable year of a withdrawal
26 pursuant to subsection (b) of Section 20 of the
27 Medical Care Savings Account Act or subsection (b)
28 of Section 20 of the Medical Care Savings Account
29 Act of 2000; and

30 (D-10) For taxable years ending after December
31, 1997, an amount equal to any eligible
32 remediation costs that the individual deducted in
33 computing adjusted gross income and for which the
34 individual claims a credit under subsection (l) of

1 Section 201;
2 and by deducting from the total so obtained the sum of
3 the following amounts:

4 (E) Any amount included in such total in
5 respect of any compensation (including but not
6 limited to any compensation paid or accrued to a
7 serviceman while a prisoner of war or missing in
8 action) paid to a resident by reason of being on
9 active duty in the Armed Forces of the United States
10 and in respect of any compensation paid or accrued
11 to a resident who as a governmental employee was a
12 prisoner of war or missing in action, and in respect
13 of any compensation paid to a resident in 1971 or
14 thereafter for annual training performed pursuant to
15 Sections 502 and 503, Title 32, United States Code
16 as a member of the Illinois National Guard;

17 (F) An amount equal to all amounts included in
18 such total pursuant to the provisions of Sections
19 402(a), 402(c), 403(a), 403(b), 406(a), 407(a), and
20 408 of the Internal Revenue Code, or included in
21 such total as distributions under the provisions of
22 any retirement or disability plan for employees of
23 any governmental agency or unit, or retirement
24 payments to retired partners, which payments are
25 excluded in computing net earnings from self
26 employment by Section 1402 of the Internal Revenue
27 Code and regulations adopted pursuant thereto;

28 (G) The valuation limitation amount;

29 (H) An amount equal to the amount of any tax
30 imposed by this Act which was refunded to the
31 taxpayer and included in such total for the taxable
32 year;

33 (I) An amount equal to all amounts included in
34 such total pursuant to the provisions of Section 111

1 of the Internal Revenue Code as a recovery of items
2 previously deducted from adjusted gross income in
3 the computation of taxable income;

4 (J) An amount equal to those dividends
5 included in such total which were paid by a
6 corporation which conducts business operations in an
7 Enterprise Zone or zones created under the Illinois
8 Enterprise Zone Act, and conducts substantially all
9 of its operations in an Enterprise Zone or zones;

10 (K) An amount equal to those dividends
11 included in such total that were paid by a
12 corporation that conducts business operations in a
13 federally designated Foreign Trade Zone or Sub-Zone
14 and that is designated a High Impact Business
15 located in Illinois; provided that dividends
16 eligible for the deduction provided in subparagraph
17 (J) of paragraph (2) of this subsection shall not be
18 eligible for the deduction provided under this
19 subparagraph (K);

20 (L) For taxable years ending after December
21 31, 1983, an amount equal to all social security
22 benefits and railroad retirement benefits included
23 in such total pursuant to Sections 72(r) and 86 of
24 the Internal Revenue Code;

25 (M) With the exception of any amounts
26 subtracted under subparagraph (N), an amount equal
27 to the sum of all amounts disallowed as deductions
28 by (i) Sections 171(a) (2), and 265(2) of the
29 Internal Revenue Code of 1954, as now or hereafter
30 amended, and all amounts of expenses allocable to
31 interest and disallowed as deductions by Section
32 265(1) of the Internal Revenue Code of 1954, as now
33 or hereafter amended; and (ii) for taxable years
34 ending on or after August 13, 1999, Sections

1 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the
2 Internal Revenue Code; the provisions of this
3 subparagraph are exempt from the provisions of
4 Section 250;

5 (N) An amount equal to all amounts included in
6 such total which are exempt from taxation by this
7 State either by reason of its statutes or
8 Constitution or by reason of the Constitution,
9 treaties or statutes of the United States; provided
10 that, in the case of any statute of this State that
11 exempts income derived from bonds or other
12 obligations from the tax imposed under this Act, the
13 amount exempted shall be the interest net of bond
14 premium amortization;

15 (O) An amount equal to any contribution made
16 to a job training project established pursuant to
17 the Tax Increment Allocation Redevelopment Act;

18 (P) An amount equal to the amount of the
19 deduction used to compute the federal income tax
20 credit for restoration of substantial amounts held
21 under claim of right for the taxable year pursuant
22 to Section 1341 of the Internal Revenue Code of
23 1986;

24 (Q) An amount equal to any amounts included in
25 such total, received by the taxpayer as an
26 acceleration in the payment of life, endowment or
27 annuity benefits in advance of the time they would
28 otherwise be payable as an indemnity for a terminal
29 illness;

30 (R) An amount equal to the amount of any
31 federal or State bonus paid to veterans of the
32 Persian Gulf War;

33 (S) An amount, to the extent included in
34 adjusted gross income, equal to the amount of a

1 contribution made in the taxable year on behalf of
2 the taxpayer to a medical care savings account
3 established under the Medical Care Savings Account
4 Act or the Medical Care Savings Account Act of 2000
5 to the extent the contribution is accepted by the
6 account administrator as provided in that Act;

7 (T) An amount, to the extent included in
8 adjusted gross income, equal to the amount of
9 interest earned in the taxable year on a medical
10 care savings account established under the Medical
11 Care Savings Account Act or the Medical Care Savings
12 Account Act of 2000 on behalf of the taxpayer, other
13 than interest added pursuant to item (D-5) of this
14 paragraph (2);

15 (U) For one taxable year beginning on or after
16 January 1, 1994, an amount equal to the total amount
17 of tax imposed and paid under subsections (a) and
18 (b) of Section 201 of this Act on grant amounts
19 received by the taxpayer under the Nursing Home
20 Grant Assistance Act during the taxpayer's taxable
21 years 1992 and 1993;

22 (V) Beginning with tax years ending on or
23 after December 31, 1995 and ending with tax years
24 ending on or before December 31, 2004, an amount
25 equal to the amount paid by a taxpayer who is a
26 self-employed taxpayer, a partner of a partnership,
27 or a shareholder in a Subchapter S corporation for
28 health insurance or long-term care insurance for
29 that taxpayer or that taxpayer's spouse or
30 dependents, to the extent that the amount paid for
31 that health insurance or long-term care insurance
32 may be deducted under Section 213 of the Internal
33 Revenue Code of 1986, has not been deducted on the
34 federal income tax return of the taxpayer, and does

1 not exceed the taxable income attributable to that
2 taxpayer's income, self-employment income, or
3 Subchapter S corporation income; except that no
4 deduction shall be allowed under this item (V) if
5 the taxpayer is eligible to participate in any
6 health insurance or long-term care insurance plan of
7 an employer of the taxpayer or the taxpayer's
8 spouse. The amount of the health insurance and
9 long-term care insurance subtracted under this item
10 (V) shall be determined by multiplying total health
11 insurance and long-term care insurance premiums paid
12 by the taxpayer times a number that represents the
13 fractional percentage of eligible medical expenses
14 under Section 213 of the Internal Revenue Code of
15 1986 not actually deducted on the taxpayer's federal
16 income tax return;

17 (W) For taxable years beginning on or after
18 January 1, 1998, all amounts included in the
19 taxpayer's federal gross income in the taxable year
20 from amounts converted from a regular IRA to a Roth
21 IRA. This paragraph is exempt from the provisions of
22 Section 250; and

23 (X) For taxable year 1999 and thereafter, an
24 amount equal to the amount of any (i) distributions,
25 to the extent includible in gross income for federal
26 income tax purposes, made to the taxpayer because of
27 his or her status as a victim of persecution for
28 racial or religious reasons by Nazi Germany or any
29 other Axis regime or as an heir of the victim and
30 (ii) items of income, to the extent includible in
31 gross income for federal income tax purposes,
32 attributable to, derived from or in any way related
33 to assets stolen from, hidden from, or otherwise
34 lost to a victim of persecution for racial or

1 religious reasons by Nazi Germany or any other Axis
2 regime immediately prior to, during, and immediately
3 after World War II, including, but not limited to,
4 interest on the proceeds receivable as insurance
5 under policies issued to a victim of persecution for
6 racial or religious reasons by Nazi Germany or any
7 other Axis regime by European insurance companies
8 immediately prior to and during World War II;
9 provided, however, this subtraction from federal
10 adjusted gross income does not apply to assets
11 acquired with such assets or with the proceeds from
12 the sale of such assets; provided, further, this
13 paragraph shall only apply to a taxpayer who was the
14 first recipient of such assets after their recovery
15 and who is a victim of persecution for racial or
16 religious reasons by Nazi Germany or any other Axis
17 regime or as an heir of the victim. The amount of
18 and the eligibility for any public assistance,
19 benefit, or similar entitlement is not affected by
20 the inclusion of items (i) and (ii) of this
21 paragraph in gross income for federal income tax
22 purposes. This paragraph is exempt from the
23 provisions of Section 250.

24 (b) Corporations.

25 (1) In general. In the case of a corporation, base
26 income means an amount equal to the taxpayer's taxable
27 income for the taxable year as modified by paragraph (2).

28 (2) Modifications. The taxable income referred to
29 in paragraph (1) shall be modified by adding thereto the
30 sum of the following amounts:

31 (A) An amount equal to all amounts paid or
32 accrued to the taxpayer as interest and all
33 distributions received from regulated investment
34 companies during the taxable year to the extent

1 excluded from gross income in the computation of
2 taxable income;

3 (B) An amount equal to the amount of tax
4 imposed by this Act to the extent deducted from
5 gross income in the computation of taxable income
6 for the taxable year;

7 (C) In the case of a regulated investment
8 company, an amount equal to the excess of (i) the
9 net long-term capital gain for the taxable year,
10 over (ii) the amount of the capital gain dividends
11 designated as such in accordance with Section
12 852(b)(3)(C) of the Internal Revenue Code and any
13 amount designated under Section 852(b)(3)(D) of the
14 Internal Revenue Code, attributable to the taxable
15 year (this amendatory Act of 1995 (Public Act 89-89)
16 is declarative of existing law and is not a new
17 enactment);

18 (D) The amount of any net operating loss
19 deduction taken in arriving at taxable income, other
20 than a net operating loss carried forward from a
21 taxable year ending prior to December 31, 1986;

22 (E) For taxable years in which a net operating
23 loss carryback or carryforward from a taxable year
24 ending prior to December 31, 1986 is an element of
25 taxable income under paragraph (1) of subsection (e)
26 or subparagraph (E) of paragraph (2) of subsection
27 (e), the amount by which addition modifications
28 other than those provided by this subparagraph (E)
29 exceeded subtraction modifications in such earlier
30 taxable year, with the following limitations applied
31 in the order that they are listed:

32 (i) the addition modification relating to
33 the net operating loss carried back or forward
34 to the taxable year from any taxable year

1 ending prior to December 31, 1986 shall be
 2 reduced by the amount of addition modification
 3 under this subparagraph (E) which related to
 4 that net operating loss and which was taken
 5 into account in calculating the base income of
 6 an earlier taxable year, and

7 (ii) the addition modification relating
 8 to the net operating loss carried back or
 9 forward to the taxable year from any taxable
 10 year ending prior to December 31, 1986 shall
 11 not exceed the amount of such carryback or
 12 carryforward;

13 For taxable years in which there is a net
 14 operating loss carryback or carryforward from more
 15 than one other taxable year ending prior to December
 16 31, 1986, the addition modification provided in this
 17 subparagraph (E) shall be the sum of the amounts
 18 computed independently under the preceding
 19 provisions of this subparagraph (E) for each such
 20 taxable year; and

21 (E-5) For taxable years ending after December
 22 31, 1997, an amount equal to any eligible
 23 remediation costs that the corporation deducted in
 24 computing adjusted gross income and for which the
 25 corporation claims a credit under subsection (l) of
 26 Section 201;

27 and by deducting from the total so obtained the sum of
 28 the following amounts:

29 (F) An amount equal to the amount of any tax
 30 imposed by this Act which was refunded to the
 31 taxpayer and included in such total for the taxable
 32 year;

33 (G) An amount equal to any amount included in
 34 such total under Section 78 of the Internal Revenue

1 Code;

2 (H) In the case of a regulated investment
3 company, an amount equal to the amount of exempt
4 interest dividends as defined in subsection (b) (5)
5 of Section 852 of the Internal Revenue Code, paid to
6 shareholders for the taxable year;

7 (I) With the exception of any amounts
8 subtracted under subparagraph (J), an amount equal
9 to the sum of all amounts disallowed as deductions
10 by (i) Sections 171(a) (2), and 265(a)(2) and
11 amounts disallowed as interest expense by Section
12 291(a)(3) of the Internal Revenue Code, as now or
13 hereafter amended, and all amounts of expenses
14 allocable to interest and disallowed as deductions
15 by Section 265(a)(1) of the Internal Revenue Code,
16 as now or hereafter amended; and (ii) for taxable
17 years ending on or after August 13, 1999, Sections
18 171(a)(2), 265, 280C, 291(a)(3), and 832(b)(5)(B)(i)
19 of the Internal Revenue Code; the provisions of this
20 subparagraph are exempt from the provisions of
21 Section 250;

22 (J) An amount equal to all amounts included in
23 such total which are exempt from taxation by this
24 State either by reason of its statutes or
25 Constitution or by reason of the Constitution,
26 treaties or statutes of the United States; provided
27 that, in the case of any statute of this State that
28 exempts income derived from bonds or other
29 obligations from the tax imposed under this Act, the
30 amount exempted shall be the interest net of bond
31 premium amortization;

32 (K) An amount equal to those dividends
33 included in such total which were paid by a
34 corporation which conducts business operations in an

1 Enterprise Zone or zones created under the Illinois
2 Enterprise Zone Act and conducts substantially all
3 of its operations in an Enterprise Zone or zones;

4 (L) An amount equal to those dividends
5 included in such total that were paid by a
6 corporation that conducts business operations in a
7 federally designated Foreign Trade Zone or Sub-Zone
8 and that is designated a High Impact Business
9 located in Illinois; provided that dividends
10 eligible for the deduction provided in subparagraph
11 (K) of paragraph 2 of this subsection shall not be
12 eligible for the deduction provided under this
13 subparagraph (L);

14 (M) For any taxpayer that is a financial
15 organization within the meaning of Section 304(c) of
16 this Act, an amount included in such total as
17 interest income from a loan or loans made by such
18 taxpayer to a borrower, to the extent that such a
19 loan is secured by property which is eligible for
20 the Enterprise Zone Investment Credit. To determine
21 the portion of a loan or loans that is secured by
22 property eligible for a Section 201(f) ~~201(h)~~
23 investment credit to the borrower, the entire
24 principal amount of the loan or loans between the
25 taxpayer and the borrower should be divided into the
26 basis of the Section 201(f) ~~201(h)~~ investment credit
27 property which secures the loan or loans, using for
28 this purpose the original basis of such property on
29 the date that it was placed in service in the
30 Enterprise Zone. The subtraction modification
31 available to taxpayer in any year under this
32 subsection shall be that portion of the total
33 interest paid by the borrower with respect to such
34 loan attributable to the eligible property as

1 calculated under the previous sentence;

2 (M-1) For any taxpayer that is a financial
3 organization within the meaning of Section 304(c) of
4 this Act, an amount included in such total as
5 interest income from a loan or loans made by such
6 taxpayer to a borrower, to the extent that such a
7 loan is secured by property which is eligible for
8 the High Impact Business Investment Credit. To
9 determine the portion of a loan or loans that is
10 secured by property eligible for a Section 201(h)
11 ~~201(i)~~ investment credit to the borrower, the entire
12 principal amount of the loan or loans between the
13 taxpayer and the borrower should be divided into the
14 basis of the Section 201(h) ~~201(i)~~ investment credit
15 property which secures the loan or loans, using for
16 this purpose the original basis of such property on
17 the date that it was placed in service in a
18 federally designated Foreign Trade Zone or Sub-Zone
19 located in Illinois. No taxpayer that is eligible
20 for the deduction provided in subparagraph (M) of
21 paragraph (2) of this subsection shall be eligible
22 for the deduction provided under this subparagraph
23 (M-1). The subtraction modification available to
24 taxpayers in any year under this subsection shall be
25 that portion of the total interest paid by the
26 borrower with respect to such loan attributable to
27 the eligible property as calculated under the
28 previous sentence;

29 (N) Two times any contribution made during the
30 taxable year to a designated zone organization to
31 the extent that the contribution (i) qualifies as a
32 charitable contribution under subsection (c) of
33 Section 170 of the Internal Revenue Code and (ii)
34 must, by its terms, be used for a project approved

1 by the Department of Commerce and Community Affairs
2 under Section 11 of the Illinois Enterprise Zone
3 Act;

4 (O) An amount equal to: (i) 85% for taxable
5 years ending on or before December 31, 1992, or, a
6 percentage equal to the percentage allowable under
7 Section 243(a)(1) of the Internal Revenue Code of
8 1986 for taxable years ending after December 31,
9 1992, of the amount by which dividends included in
10 taxable income and received from a corporation that
11 is not created or organized under the laws of the
12 United States or any state or political subdivision
13 thereof, including, for taxable years ending on or
14 after December 31, 1988, dividends received or
15 deemed received or paid or deemed paid under
16 Sections 951 through 964 of the Internal Revenue
17 Code, exceed the amount of the modification provided
18 under subparagraph (G) of paragraph (2) of this
19 subsection (b) which is related to such dividends;
20 plus (ii) 100% of the amount by which dividends,
21 included in taxable income and received, including,
22 for taxable years ending on or after December 31,
23 1988, dividends received or deemed received or paid
24 or deemed paid under Sections 951 through 964 of the
25 Internal Revenue Code, from any such corporation
26 specified in clause (i) that would but for the
27 provisions of Section 1504 (b) (3) of the Internal
28 Revenue Code be treated as a member of the
29 affiliated group which includes the dividend
30 recipient, exceed the amount of the modification
31 provided under subparagraph (G) of paragraph (2) of
32 this subsection (b) which is related to such
33 dividends;

34 (P) An amount equal to any contribution made

1 to a job training project established pursuant to
2 the Tax Increment Allocation Redevelopment Act;

3 (Q) An amount equal to the amount of the
4 deduction used to compute the federal income tax
5 credit for restoration of substantial amounts held
6 under claim of right for the taxable year pursuant
7 to Section 1341 of the Internal Revenue Code of
8 1986;

9 (R) In the case of an attorney-in-fact with
10 respect to whom an interinsurer or a reciprocal
11 insurer has made the election under Section 835 of
12 the Internal Revenue Code, 26 U.S.C. 835, an amount
13 equal to the excess, if any, of the amounts paid or
14 incurred by that interinsurer or reciprocal insurer
15 in the taxable year to the attorney-in-fact over the
16 deduction allowed to that interinsurer or reciprocal
17 insurer with respect to the attorney-in-fact under
18 Section 835(b) of the Internal Revenue Code for the
19 taxable year; and

20 (S) For taxable years ending on or after
21 December 31, 1997, in the case of a Subchapter S
22 corporation, an amount equal to all amounts of
23 income allocable to a shareholder subject to the
24 Personal Property Tax Replacement Income Tax imposed
25 by subsections (c) and (d) of Section 201 of this
26 Act, including amounts allocable to organizations
27 exempt from federal income tax by reason of Section
28 501(a) of the Internal Revenue Code. This
29 subparagraph (S) is exempt from the provisions of
30 Section 250.

31 (3) Special rule. For purposes of paragraph (2)
32 (A), "gross income" in the case of a life insurance
33 company, for tax years ending on and after December 31,
34 1994, shall mean the gross investment income for the

1 taxable year.

2 (c) Trusts and estates.

3 (1) In general. In the case of a trust or estate,
4 base income means an amount equal to the taxpayer's
5 taxable income for the taxable year as modified by
6 paragraph (2).

7 (2) Modifications. Subject to the provisions of
8 paragraph (3), the taxable income referred to in
9 paragraph (1) shall be modified by adding thereto the sum
10 of the following amounts:

11 (A) An amount equal to all amounts paid or
12 accrued to the taxpayer as interest or dividends
13 during the taxable year to the extent excluded from
14 gross income in the computation of taxable income;

15 (B) In the case of (i) an estate, \$600; (ii) a
16 trust which, under its governing instrument, is
17 required to distribute all of its income currently,
18 \$300; and (iii) any other trust, \$100, but in each
19 such case, only to the extent such amount was
20 deducted in the computation of taxable income;

21 (C) An amount equal to the amount of tax
22 imposed by this Act to the extent deducted from
23 gross income in the computation of taxable income
24 for the taxable year;

25 (D) The amount of any net operating loss
26 deduction taken in arriving at taxable income, other
27 than a net operating loss carried forward from a
28 taxable year ending prior to December 31, 1986;

29 (E) For taxable years in which a net operating
30 loss carryback or carryforward from a taxable year
31 ending prior to December 31, 1986 is an element of
32 taxable income under paragraph (1) of subsection (e)
33 or subparagraph (E) of paragraph (2) of subsection
34 (e), the amount by which addition modifications

1 other than those provided by this subparagraph (E)
2 exceeded subtraction modifications in such taxable
3 year, with the following limitations applied in the
4 order that they are listed:

5 (i) the addition modification relating to
6 the net operating loss carried back or forward
7 to the taxable year from any taxable year
8 ending prior to December 31, 1986 shall be
9 reduced by the amount of addition modification
10 under this subparagraph (E) which related to
11 that net operating loss and which was taken
12 into account in calculating the base income of
13 an earlier taxable year, and

14 (ii) the addition modification relating
15 to the net operating loss carried back or
16 forward to the taxable year from any taxable
17 year ending prior to December 31, 1986 shall
18 not exceed the amount of such carryback or
19 carryforward;

20 For taxable years in which there is a net
21 operating loss carryback or carryforward from more
22 than one other taxable year ending prior to December
23 31, 1986, the addition modification provided in this
24 subparagraph (E) shall be the sum of the amounts
25 computed independently under the preceding
26 provisions of this subparagraph (E) for each such
27 taxable year;

28 (F) For taxable years ending on or after
29 January 1, 1989, an amount equal to the tax deducted
30 pursuant to Section 164 of the Internal Revenue Code
31 if the trust or estate is claiming the same tax for
32 purposes of the Illinois foreign tax credit under
33 Section 601 of this Act;

34 (G) An amount equal to the amount of the

1 capital gain deduction allowable under the Internal
2 Revenue Code, to the extent deducted from gross
3 income in the computation of taxable income; and

4 (G-5) For taxable years ending after December
5 31, 1997, an amount equal to any eligible
6 remediation costs that the trust or estate deducted
7 in computing adjusted gross income and for which the
8 trust or estate claims a credit under subsection (l)
9 of Section 201;

10 and by deducting from the total so obtained the sum of
11 the following amounts:

12 (H) An amount equal to all amounts included in
13 such total pursuant to the provisions of Sections
14 402(a), 402(c), 403(a), 403(b), 406(a), 407(a) and
15 408 of the Internal Revenue Code or included in such
16 total as distributions under the provisions of any
17 retirement or disability plan for employees of any
18 governmental agency or unit, or retirement payments
19 to retired partners, which payments are excluded in
20 computing net earnings from self employment by
21 Section 1402 of the Internal Revenue Code and
22 regulations adopted pursuant thereto;

23 (I) The valuation limitation amount;

24 (J) An amount equal to the amount of any tax
25 imposed by this Act which was refunded to the
26 taxpayer and included in such total for the taxable
27 year;

28 (K) An amount equal to all amounts included in
29 taxable income as modified by subparagraphs (A),
30 (B), (C), (D), (E), (F) and (G) which are exempt
31 from taxation by this State either by reason of its
32 statutes or Constitution or by reason of the
33 Constitution, treaties or statutes of the United
34 States; provided that, in the case of any statute of

1 this State that exempts income derived from bonds or
2 other obligations from the tax imposed under this
3 Act, the amount exempted shall be the interest net
4 of bond premium amortization;

5 (L) With the exception of any amounts
6 subtracted under subparagraph (K), an amount equal
7 to the sum of all amounts disallowed as deductions
8 by (i) Sections 171(a) (2) and 265(a)(2) of the
9 Internal Revenue Code, as now or hereafter amended,
10 and all amounts of expenses allocable to interest
11 and disallowed as deductions by Section 265(1) of
12 the Internal Revenue Code of 1954, as now or
13 hereafter amended; and (ii) for taxable years ending
14 on or after August 13, 1999, Sections 171(a)(2),
15 265, 280C, and 832(b)(5)(B)(i) of the Internal
16 Revenue Code; the provisions of this subparagraph
17 are exempt from the provisions of Section 250;

18 (M) An amount equal to those dividends
19 included in such total which were paid by a
20 corporation which conducts business operations in an
21 Enterprise Zone or zones created under the Illinois
22 Enterprise Zone Act and conducts substantially all
23 of its operations in an Enterprise Zone or Zones;

24 (N) An amount equal to any contribution made
25 to a job training project established pursuant to
26 the Tax Increment Allocation Redevelopment Act;

27 (O) An amount equal to those dividends
28 included in such total that were paid by a
29 corporation that conducts business operations in a
30 federally designated Foreign Trade Zone or Sub-Zone
31 and that is designated a High Impact Business
32 located in Illinois; provided that dividends
33 eligible for the deduction provided in subparagraph
34 (M) of paragraph (2) of this subsection shall not be

1 eligible for the deduction provided under this
2 subparagraph (O);

3 (P) An amount equal to the amount of the
4 deduction used to compute the federal income tax
5 credit for restoration of substantial amounts held
6 under claim of right for the taxable year pursuant
7 to Section 1341 of the Internal Revenue Code of
8 1986; and

9 (Q) For taxable year 1999 and thereafter, an
10 amount equal to the amount of any (i) distributions,
11 to the extent includible in gross income for federal
12 income tax purposes, made to the taxpayer because of
13 his or her status as a victim of persecution for
14 racial or religious reasons by Nazi Germany or any
15 other Axis regime or as an heir of the victim and
16 (ii) items of income, to the extent includible in
17 gross income for federal income tax purposes,
18 attributable to, derived from or in any way related
19 to assets stolen from, hidden from, or otherwise
20 lost to a victim of persecution for racial or
21 religious reasons by Nazi Germany or any other Axis
22 regime immediately prior to, during, and immediately
23 after World War II, including, but not limited to,
24 interest on the proceeds receivable as insurance
25 under policies issued to a victim of persecution for
26 racial or religious reasons by Nazi Germany or any
27 other Axis regime by European insurance companies
28 immediately prior to and during World War II;
29 provided, however, this subtraction from federal
30 adjusted gross income does not apply to assets
31 acquired with such assets or with the proceeds from
32 the sale of such assets; provided, further, this
33 paragraph shall only apply to a taxpayer who was the
34 first recipient of such assets after their recovery

1 and who is a victim of persecution for racial or
2 religious reasons by Nazi Germany or any other Axis
3 regime or as an heir of the victim. The amount of
4 and the eligibility for any public assistance,
5 benefit, or similar entitlement is not affected by
6 the inclusion of items (i) and (ii) of this
7 paragraph in gross income for federal income tax
8 purposes. This paragraph is exempt from the
9 provisions of Section 250.

10 (3) Limitation. The amount of any modification
11 otherwise required under this subsection shall, under
12 regulations prescribed by the Department, be adjusted by
13 any amounts included therein which were properly paid,
14 credited, or required to be distributed, or permanently
15 set aside for charitable purposes pursuant to Internal
16 Revenue Code Section 642(c) during the taxable year.

17 (d) Partnerships.

18 (1) In general. In the case of a partnership, base
19 income means an amount equal to the taxpayer's taxable
20 income for the taxable year as modified by paragraph (2).

21 (2) Modifications. The taxable income referred to
22 in paragraph (1) shall be modified by adding thereto the
23 sum of the following amounts:

24 (A) An amount equal to all amounts paid or
25 accrued to the taxpayer as interest or dividends
26 during the taxable year to the extent excluded from
27 gross income in the computation of taxable income;

28 (B) An amount equal to the amount of tax
29 imposed by this Act to the extent deducted from
30 gross income for the taxable year;

31 (C) The amount of deductions allowed to the
32 partnership pursuant to Section 707 (c) of the
33 Internal Revenue Code in calculating its taxable
34 income; and

1 (D) An amount equal to the amount of the
2 capital gain deduction allowable under the Internal
3 Revenue Code, to the extent deducted from gross
4 income in the computation of taxable income;

5 and by deducting from the total so obtained the following
6 amounts:

7 (E) The valuation limitation amount;

8 (F) An amount equal to the amount of any tax
9 imposed by this Act which was refunded to the
10 taxpayer and included in such total for the taxable
11 year;

12 (G) An amount equal to all amounts included in
13 taxable income as modified by subparagraphs (A),
14 (B), (C) and (D) which are exempt from taxation by
15 this State either by reason of its statutes or
16 Constitution or by reason of the Constitution,
17 treaties or statutes of the United States; provided
18 that, in the case of any statute of this State that
19 exempts income derived from bonds or other
20 obligations from the tax imposed under this Act, the
21 amount exempted shall be the interest net of bond
22 premium amortization;

23 (H) Any income of the partnership which
24 constitutes personal service income as defined in
25 Section 1348 (b) (1) of the Internal Revenue Code
26 (as in effect December 31, 1981) or a reasonable
27 allowance for compensation paid or accrued for
28 services rendered by partners to the partnership,
29 whichever is greater;

30 (I) An amount equal to all amounts of income
31 distributable to an entity subject to the Personal
32 Property Tax Replacement Income Tax imposed by
33 subsections (c) and (d) of Section 201 of this Act
34 including amounts distributable to organizations

1 exempt from federal income tax by reason of Section
2 501(a) of the Internal Revenue Code;

3 (J) With the exception of any amounts
4 subtracted under subparagraph (G), an amount equal
5 to the sum of all amounts disallowed as deductions
6 by (i) Sections 171(a) (2), and 265(2) of the
7 Internal Revenue Code of 1954, as now or hereafter
8 amended, and all amounts of expenses allocable to
9 interest and disallowed as deductions by Section
10 265(1) of the Internal Revenue Code, as now or
11 hereafter amended; and (ii) for taxable years ending
12 on or after August 13, 1999, Sections 171(a)(2),
13 265, 280C, and 832(b)(5)(B)(i) of the Internal
14 Revenue Code; the provisions of this subparagraph
15 are exempt from the provisions of Section 250;

16 (K) An amount equal to those dividends
17 included in such total which were paid by a
18 corporation which conducts business operations in an
19 Enterprise Zone or zones created under the Illinois
20 Enterprise Zone Act, enacted by the 82nd General
21 Assembly, and which does not conduct such operations
22 other than in an Enterprise Zone or Zones;

23 (L) An amount equal to any contribution made
24 to a job training project established pursuant to
25 the Real Property Tax Increment Allocation
26 Redevelopment Act;

27 (M) An amount equal to those dividends
28 included in such total that were paid by a
29 corporation that conducts business operations in a
30 federally designated Foreign Trade Zone or Sub-Zone
31 and that is designated a High Impact Business
32 located in Illinois; provided that dividends
33 eligible for the deduction provided in subparagraph
34 (K) of paragraph (2) of this subsection shall not be

1 eligible for the deduction provided under this
2 subparagraph (M); and

3 (N) An amount equal to the amount of the
4 deduction used to compute the federal income tax
5 credit for restoration of substantial amounts held
6 under claim of right for the taxable year pursuant
7 to Section 1341 of the Internal Revenue Code of
8 1986.

9 (e) Gross income; adjusted gross income; taxable income.

10 (1) In general. Subject to the provisions of
11 paragraph (2) and subsection (b) (3), for purposes of
12 this Section and Section 803(e), a taxpayer's gross
13 income, adjusted gross income, or taxable income for the
14 taxable year shall mean the amount of gross income,
15 adjusted gross income or taxable income properly
16 reportable for federal income tax purposes for the
17 taxable year under the provisions of the Internal Revenue
18 Code. Taxable income may be less than zero. However, for
19 taxable years ending on or after December 31, 1986, net
20 operating loss carryforwards from taxable years ending
21 prior to December 31, 1986, may not exceed the sum of
22 federal taxable income for the taxable year before net
23 operating loss deduction, plus the excess of addition
24 modifications over subtraction modifications for the
25 taxable year. For taxable years ending prior to December
26 31, 1986, taxable income may never be an amount in excess
27 of the net operating loss for the taxable year as defined
28 in subsections (c) and (d) of Section 172 of the Internal
29 Revenue Code, provided that when taxable income of a
30 corporation (other than a Subchapter S corporation),
31 trust, or estate is less than zero and addition
32 modifications, other than those provided by subparagraph
33 (E) of paragraph (2) of subsection (b) for corporations
34 or subparagraph (E) of paragraph (2) of subsection (c)

1 for trusts and estates, exceed subtraction modifications,
2 an addition modification must be made under those
3 subparagraphs for any other taxable year to which the
4 taxable income less than zero (net operating loss) is
5 applied under Section 172 of the Internal Revenue Code or
6 under subparagraph (E) of paragraph (2) of this
7 subsection (e) applied in conjunction with Section 172 of
8 the Internal Revenue Code.

9 (2) Special rule. For purposes of paragraph (1) of
10 this subsection, the taxable income properly reportable
11 for federal income tax purposes shall mean:

12 (A) Certain life insurance companies. In the
13 case of a life insurance company subject to the tax
14 imposed by Section 801 of the Internal Revenue Code,
15 life insurance company taxable income, plus the
16 amount of distribution from pre-1984 policyholder
17 surplus accounts as calculated under Section 815a of
18 the Internal Revenue Code;

19 (B) Certain other insurance companies. In the
20 case of mutual insurance companies subject to the
21 tax imposed by Section 831 of the Internal Revenue
22 Code, insurance company taxable income;

23 (C) Regulated investment companies. In the
24 case of a regulated investment company subject to
25 the tax imposed by Section 852 of the Internal
26 Revenue Code, investment company taxable income;

27 (D) Real estate investment trusts. In the
28 case of a real estate investment trust subject to
29 the tax imposed by Section 857 of the Internal
30 Revenue Code, real estate investment trust taxable
31 income;

32 (E) Consolidated corporations. In the case of
33 a corporation which is a member of an affiliated
34 group of corporations filing a consolidated income

1 tax return for the taxable year for federal income
2 tax purposes, taxable income determined as if such
3 corporation had filed a separate return for federal
4 income tax purposes for the taxable year and each
5 preceding taxable year for which it was a member of
6 an affiliated group. For purposes of this
7 subparagraph, the taxpayer's separate taxable income
8 shall be determined as if the election provided by
9 Section 243(b) (2) of the Internal Revenue Code had
10 been in effect for all such years;

11 (F) Cooperatives. In the case of a
12 cooperative corporation or association, the taxable
13 income of such organization determined in accordance
14 with the provisions of Section 1381 through 1388 of
15 the Internal Revenue Code;

16 (G) Subchapter S corporations. In the case
17 of: (i) a Subchapter S corporation for which there
18 is in effect an election for the taxable year under
19 Section 1362 of the Internal Revenue Code, the
20 taxable income of such corporation determined in
21 accordance with Section 1363(b) of the Internal
22 Revenue Code, except that taxable income shall take
23 into account those items which are required by
24 Section 1363(b)(1) of the Internal Revenue Code to
25 be separately stated; and (ii) a Subchapter S
26 corporation for which there is in effect a federal
27 election to opt out of the provisions of the
28 Subchapter S Revision Act of 1982 and have applied
29 instead the prior federal Subchapter S rules as in
30 effect on July 1, 1982, the taxable income of such
31 corporation determined in accordance with the
32 federal Subchapter S rules as in effect on July 1,
33 1982; and

34 (H) Partnerships. In the case of a

1 partnership, taxable income determined in accordance
2 with Section 703 of the Internal Revenue Code,
3 except that taxable income shall take into account
4 those items which are required by Section 703(a)(1)
5 to be separately stated but which would be taken
6 into account by an individual in calculating his
7 taxable income.

8 (f) Valuation limitation amount.

9 (1) In general. The valuation limitation amount
10 referred to in subsections (a) (2) (G), (c) (2) (I) and
11 (d)(2) (E) is an amount equal to:

12 (A) The sum of the pre-August 1, 1969
13 appreciation amounts (to the extent consisting of
14 gain reportable under the provisions of Section 1245
15 or 1250 of the Internal Revenue Code) for all
16 property in respect of which such gain was reported
17 for the taxable year; plus

18 (B) The lesser of (i) the sum of the
19 pre-August 1, 1969 appreciation amounts (to the
20 extent consisting of capital gain) for all property
21 in respect of which such gain was reported for
22 federal income tax purposes for the taxable year, or
23 (ii) the net capital gain for the taxable year,
24 reduced in either case by any amount of such gain
25 included in the amount determined under subsection
26 (a) (2) (F) or (c) (2) (H).

27 (2) Pre-August 1, 1969 appreciation amount.

28 (A) If the fair market value of property
29 referred to in paragraph (1) was readily
30 ascertainable on August 1, 1969, the pre-August 1,
31 1969 appreciation amount for such property is the
32 lesser of (i) the excess of such fair market value
33 over the taxpayer's basis (for determining gain) for
34 such property on that date (determined under the

1 Internal Revenue Code as in effect on that date), or
2 (ii) the total gain realized and reportable for
3 federal income tax purposes in respect of the sale,
4 exchange or other disposition of such property.

5 (B) If the fair market value of property
6 referred to in paragraph (1) was not readily
7 ascertainable on August 1, 1969, the pre-August 1,
8 1969 appreciation amount for such property is that
9 amount which bears the same ratio to the total gain
10 reported in respect of the property for federal
11 income tax purposes for the taxable year, as the
12 number of full calendar months in that part of the
13 taxpayer's holding period for the property ending
14 July 31, 1969 bears to the number of full calendar
15 months in the taxpayer's entire holding period for
16 the property.

17 (C) The Department shall prescribe such
18 regulations as may be necessary to carry out the
19 purposes of this paragraph.

20 (g) Double deductions. Unless specifically provided
21 otherwise, nothing in this Section shall permit the same item
22 to be deducted more than once.

23 (h) Legislative intention. Except as expressly provided
24 by this Section there shall be no modifications or
25 limitations on the amounts of income, gain, loss or deduction
26 taken into account in determining gross income, adjusted
27 gross income or taxable income for federal income tax
28 purposes for the taxable year, or in the amount of such items
29 entering into the computation of base income and net income
30 under this Act for such taxable year, whether in respect of
31 property values as of August 1, 1969 or otherwise.

32 (Source: P.A. 90-491, eff. 1-1-98; 90-717, eff. 8-7-98;
33 90-770, eff. 8-14-98; 91-192, eff. 7-20-99; 91-205, eff.

1 7-20-99; 91-357, eff. 7-29-99; 91-541, eff. 8-13-99; 91-676,
2 eff. 12-23-99; 91-845, eff. 6-22-00; 91-913, eff. 1-1-01;
3 revised 1-15-01.)

4 (35 ILCS 5/703) (from Ch. 120, par. 7-703)

5 Sec. 703. Information statement. Every employer required
6 to deduct and withhold tax under this Act from compensation
7 of an employee, or who would have been required so to deduct
8 and withhold tax if the employee's withholding exemption were
9 not in excess of the basic amount in Section 204(b), shall
10 furnish in duplicate to each such employee in respect of the
11 compensation paid by such employer to such employee during
12 the calendar year on or before January 31 of the succeeding
13 year, or, if his employment is terminated before the close of
14 such calendar year, on the date on which the last payment of
15 compensation is made, a written statement in such form as the
16 Department may by regulation prescribe showing the amount of
17 compensation paid by the employer to the employee, the amount
18 deducted and withheld as tax, the tax-exempt amount
19 contributed to a medical savings account, and such other
20 information as the Department shall prescribe. A copy of such
21 statement shall be filed by the employee with his return for
22 his taxable year to which it relates (as determined under
23 Section 601(b)(1)).

24 (Source: P.A. 90-613, eff. 7-9-98; 91-841, eff. 6-22-00;
25 revised 9-1-00.)

26 (35 ILCS 5/901) (from Ch. 120, par. 9-901)

27 Sec. 901. Collection Authority.

28 (a) In general.

29 The Department shall collect the taxes imposed by this
30 Act. The Department shall collect certified past due child
31 support amounts under Section 2505-650 of the Department of
32 Revenue Law (20 ILCS 2505/2505-650). Except as provided in

1 subsections (c) and (e) of this Section, money collected
2 pursuant to subsections (a) and (b) of Section 201 of this
3 Act shall be paid into the General Revenue Fund in the State
4 treasury; money collected pursuant to subsections (c) and (d)
5 of Section 201 of this Act shall be paid into the Personal
6 Property Tax Replacement Fund, a special fund in the State
7 Treasury; and money collected under Section 2505-650 of the
8 Department of Revenue Law (20 ILCS 2505/2505-650) shall be
9 paid into the Child Support Enforcement Trust Fund, a special
10 fund outside the State Treasury, or to the State Disbursement
11 Unit established under Section 10-26 of the Illinois Public
12 Aid Code, as directed by the Department of Public Aid.

13 (b) Local Governmental Distributive Fund.

14 Beginning August 1, 1969, and continuing through June 30,
15 1994, the Treasurer shall transfer each month from the
16 General Revenue Fund to a special fund in the State treasury,
17 to be known as the "Local Government Distributive Fund", an
18 amount equal to 1/12 of the net revenue realized from the tax
19 imposed by subsections (a) and (b) of Section 201 of this Act
20 during the preceding month. Beginning July 1, 1994, and
21 continuing through June 30, 1995, the Treasurer shall
22 transfer each month from the General Revenue Fund to the
23 Local Government Distributive Fund an amount equal to 1/11 of
24 the net revenue realized from the tax imposed by subsections
25 (a) and (b) of Section 201 of this Act during the preceding
26 month. Beginning July 1, 1995, the Treasurer shall transfer
27 each month from the General Revenue Fund to the Local
28 Government Distributive Fund an amount equal to 1/10 of the
29 net revenue realized from the tax imposed by subsections (a)
30 and (b) of Section 201 of the Illinois Income Tax Act during
31 the preceding month. Net revenue realized for a month shall
32 be defined as the revenue from the tax imposed by subsections
33 (a) and (b) of Section 201 of this Act which is deposited in
34 the General Revenue Fund, the Educational Assistance Fund and

1 the Income Tax Surcharge Local Government Distributive Fund
2 during the month minus the amount paid out of the General
3 Revenue Fund in State warrants during that same month as
4 refunds to taxpayers for overpayment of liability under the
5 tax imposed by subsections (a) and (b) of Section 201 of this
6 Act.

7 (c) Deposits Into Income Tax Refund Fund.

8 (1) Beginning on January 1, 1989 and thereafter,
9 the Department shall deposit a percentage of the amounts
10 collected pursuant to subsections (a) and (b)(1), (2),
11 and (3), of Section 201 of this Act into a fund in the
12 State treasury known as the Income Tax Refund Fund. The
13 Department shall deposit 6% of such amounts during the
14 period beginning January 1, 1989 and ending on June 30,
15 1989. Beginning with State fiscal year 1990 and for each
16 fiscal year thereafter, the percentage deposited into the
17 Income Tax Refund Fund during a fiscal year shall be the
18 Annual Percentage. For fiscal years 1999 through 2001,
19 the Annual Percentage shall be 7.1%. For all other
20 fiscal years, the Annual Percentage shall be calculated
21 as a fraction, the numerator of which shall be the amount
22 of refunds approved for payment by the Department during
23 the preceding fiscal year as a result of overpayment of
24 tax liability under subsections (a) and (b)(1), (2), and
25 (3) of Section 201 of this Act plus the amount of such
26 refunds remaining approved but unpaid at the end of the
27 preceding fiscal year, the denominator of which shall be
28 the amounts which will be collected pursuant to
29 subsections (a) and (b)(1), (2), and (3) of Section 201
30 of this Act during the preceding fiscal year. The
31 Director of Revenue shall certify the Annual Percentage
32 to the Comptroller on the last business day of the fiscal
33 year immediately preceding the fiscal year for which it
34 is to be effective.

1 (2) Beginning on January 1, 1989 and thereafter,
2 the Department shall deposit a percentage of the amounts
3 collected pursuant to subsections (a) and (b)(6), (7),
4 and (8), (c) and (d) of Section 201 of this Act into a
5 fund in the State treasury known as the Income Tax Refund
6 Fund. The Department shall deposit 18% of such amounts
7 during the period beginning January 1, 1989 and ending on
8 June 30, 1989. Beginning with State fiscal year 1990 and
9 for each fiscal year thereafter, the percentage deposited
10 into the Income Tax Refund Fund during a fiscal year
11 shall be the Annual Percentage. For fiscal years 1999,
12 2000, and 2001, the Annual Percentage shall be 19%. For
13 all other fiscal years, the Annual Percentage shall be
14 calculated as a fraction, the numerator of which shall be
15 the amount of refunds approved for payment by the
16 Department during the preceding fiscal year as a result
17 of overpayment of tax liability under subsections (a) and
18 (b)(6), (7), and (8), (c) and (d) of Section 201 of this
19 Act plus the amount of such refunds remaining approved
20 but unpaid at the end of the preceding fiscal year, the
21 denominator of which shall be the amounts which will be
22 collected pursuant to subsections (a) and (b)(6), (7),
23 and (8), (c) and (d) of Section 201 of this Act during
24 the preceding fiscal year. The Director of Revenue shall
25 certify the Annual Percentage to the Comptroller on the
26 last business day of the fiscal year immediately
27 preceding the fiscal year for which it is to be
28 effective.

29 (3) The Comptroller shall order transferred and the
30 Treasurer shall transfer from the Tobacco Settlement
31 Recovery Fund to the Income Tax Refund Fund (i)
32 \$35,000,000 in January, 2001, (ii) \$35,000,000 in
33 January, 2002, and (iii) \$35,000,000 in January, 2003.

34 (d) Expenditures from Income Tax Refund Fund.

1 (1) Beginning January 1, 1989, money in the Income
2 Tax Refund Fund shall be expended exclusively for the
3 purpose of paying refunds resulting from overpayment of
4 tax liability under Section 201 of this Act, for paying
5 rebates under Section 208.1 in the event that the amounts
6 in the Homeowners' Tax Relief Fund are insufficient for
7 that purpose, and for making transfers pursuant to this
8 subsection (d).

9 (2) The Director shall order payment of refunds
10 resulting from overpayment of tax liability under Section
11 201 of this Act from the Income Tax Refund Fund only to
12 the extent that amounts collected pursuant to Section 201
13 of this Act and transfers pursuant to this subsection (d)
14 and item (3) of subsection (c) have been deposited and
15 retained in the Fund.

16 (3) As soon as possible after the end of each
17 fiscal year, the Director shall order transferred and the
18 State Treasurer and State Comptroller shall transfer from
19 the Income Tax Refund Fund to the Personal Property Tax
20 Replacement Fund an amount, certified by the Director to
21 the Comptroller, equal to the excess of the amount
22 collected pursuant to subsections (c) and (d) of Section
23 201 of this Act deposited into the Income Tax Refund Fund
24 during the fiscal year over the amount of refunds
25 resulting from overpayment of tax liability under
26 subsections (c) and (d) of Section 201 of this Act paid
27 from the Income Tax Refund Fund during the fiscal year.

28 (4) As soon as possible after the end of each
29 fiscal year, the Director shall order transferred and the
30 State Treasurer and State Comptroller shall transfer from
31 the Personal Property Tax Replacement Fund to the Income
32 Tax Refund Fund an amount, certified by the Director to
33 the Comptroller, equal to the excess of the amount of
34 refunds resulting from overpayment of tax liability under

1 subsections (c) and (d) of Section 201 of this Act paid
2 from the Income Tax Refund Fund during the fiscal year
3 over the amount collected pursuant to subsections (c) and
4 (d) of Section 201 of this Act deposited into the Income
5 Tax Refund Fund during the fiscal year.

6 (4.5) As soon as possible after the end of fiscal
7 year 1999 and of each fiscal year thereafter, the
8 Director shall order transferred and the State Treasurer
9 and State Comptroller shall transfer from the Income Tax
10 Refund Fund to the General Revenue Fund any surplus
11 remaining in the Income Tax Refund Fund as of the end of
12 such fiscal year; excluding for fiscal years 2000, 2001,
13 and 2002 amounts attributable to transfers under item (3)
14 of subsection (c) less refunds resulting from the earned
15 income tax credit.

16 (5) This Act shall constitute an irrevocable and
17 continuing appropriation from the Income Tax Refund Fund
18 for the purpose of paying refunds upon the order of the
19 Director in accordance with the provisions of this
20 Section.

21 (e) Deposits into the Education Assistance Fund and the
22 Income Tax Surcharge Local Government Distributive Fund.

23 On July 1, 1991, and thereafter, of the amounts collected
24 pursuant to subsections (a) and (b) of Section 201 of this
25 Act, minus deposits into the Income Tax Refund Fund, the
26 Department shall deposit 7.3% into the Education Assistance
27 Fund in the State Treasury. Beginning July 1, 1991, and
28 continuing through January 31, 1993, of the amounts collected
29 pursuant to subsections (a) and (b) of Section 201 of the
30 Illinois Income Tax Act, minus deposits into the Income Tax
31 Refund Fund, the Department shall deposit 3.0% into the
32 Income Tax Surcharge Local Government Distributive Fund in
33 the State Treasury. Beginning February 1, 1993 and
34 continuing through June 30, 1993, of the amounts collected

1 pursuant to subsections (a) and (b) of Section 201 of the
2 Illinois Income Tax Act, minus deposits into the Income Tax
3 Refund Fund, the Department shall deposit 4.4% into the
4 Income Tax Surcharge Local Government Distributive Fund in
5 the State Treasury. Beginning July 1, 1993, and continuing
6 through June 30, 1994, of the amounts collected under
7 subsections (a) and (b) of Section 201 of this Act, minus
8 deposits into the Income Tax Refund Fund, the Department
9 shall deposit 1.475% into the Income Tax Surcharge Local
10 Government Distributive Fund in the State Treasury.

11 (Source: P.A. 90-613, eff. 7-9-98; 90-655, eff. 7-30-98;
12 91-212, eff. 7-20-99; 91-239, eff. 1-1-00; 91-700, eff.
13 5-11-00; 91-704, eff. 7-1-00; 91-712, eff. 7-1-00; revised
14 6-28-00.)

15 Section 33. The Use Tax Act is amended by changing
16 Sections 3-55 and 9 as follows:

17 (35 ILCS 105/3-55) (from Ch. 120, par. 439.3-55)

18 Sec. 3-55. Multistate exemption. The tax imposed by
19 this Act does not apply to the use of tangible personal
20 property in this State under the following circumstances:

21 (a) The use, in this State, of tangible personal
22 property acquired outside this State by a nonresident
23 individual and brought into this State by the individual for
24 his or her own use while temporarily within this State or
25 while passing through this State.

26 (b) The use, in this State, of tangible personal
27 property by an interstate carrier for hire as rolling stock
28 moving in interstate commerce or by lessors under a lease of
29 one year or longer executed or in effect at the time of
30 purchase of tangible personal property by interstate carriers
31 for-hire for use as rolling stock moving in interstate
32 commerce as long as so used by the interstate carriers

1 for-hire, and equipment operated by a telecommunications
2 provider, licensed as a common carrier by the Federal
3 Communications Commission, which is permanently installed in
4 or affixed to aircraft moving in interstate commerce.

5 (c) The use, in this State, by owners, lessors, or
6 shippers of tangible personal property that is utilized by
7 interstate carriers for hire for use as rolling stock moving
8 in interstate commerce as long as so used by the interstate
9 carriers for hire, and equipment operated by a
10 telecommunications provider, licensed as a common carrier by
11 the Federal Communications Commission, which is permanently
12 installed in or affixed to aircraft moving in interstate
13 commerce.

14 (d) The use, in this State, of tangible personal
15 property that is acquired outside this State and caused to be
16 brought into this State by a person who has already paid a
17 tax in another State in respect to the sale, purchase, or use
18 of that property, to the extent of the amount of the tax
19 properly due and paid in the other State.

20 (e) The temporary storage, in this State, of tangible
21 personal property that is acquired outside this State and
22 that, after being brought into this State and stored here
23 temporarily, is used solely outside this State or is
24 physically attached to or incorporated into other tangible
25 personal property that is used solely outside this State, or
26 is altered by converting, fabricating, manufacturing,
27 printing, processing, or shaping, and, as altered, is used
28 solely outside this State.

29 (f) The temporary storage in this State of building
30 materials and fixtures that are acquired either in this State
31 or outside this State by an Illinois registered combination
32 retailer and construction contractor, and that the purchaser
33 thereafter uses outside this State by incorporating that
34 property into real estate located outside this State.

1 (g) The use or purchase of tangible personal property by
2 a common carrier by rail or motor that receives the physical
3 possession of the property in Illinois, and that transports
4 the property, or shares with another common carrier in the
5 transportation of the property, out of Illinois on a standard
6 uniform bill of lading showing the seller of the property as
7 the shipper or consignor of the property to a destination
8 outside Illinois, for use outside Illinois.

9 (h) The use, in this State, of a motor vehicle that was
10 sold in this State to a nonresident, even though the motor
11 vehicle is delivered to the nonresident in this State, if the
12 motor vehicle is not to be titled in this State, and if a
13 driveaway decal permit is issued to the motor vehicle as
14 provided in Section 3-603 of the Illinois Vehicle Code or if
15 the nonresident purchaser has vehicle registration plates to
16 transfer to the motor vehicle upon returning to his or her
17 home state. The issuance of the driveaway decal permit or
18 having the out-of-state registration plates to be transferred
19 shall be prima facie evidence that the motor vehicle will not
20 be titled in this State.

21 (i) Beginning July 1, 1999, the use, in this State, of
22 fuel acquired outside this State and brought into this State
23 in the fuel supply tanks of locomotives engaged in freight
24 hauling and passenger service for interstate commerce. This
25 subsection is exempt from the provisions of Section 3-90.

26 (Source: P.A. 90-519, eff. 6-1-98; 90-552, eff. 12-12-97;
27 91-51, eff. 6-30-99; 91-313, eff. 7-29-99; 91-587, eff.
28 8-14-99; revised 9-29-99.)

29 (35 ILCS 105/9) (from Ch. 120, par. 439.9)

30 Sec. 9. Except as to motor vehicles, watercraft,
31 aircraft, and trailers that are required to be registered
32 with an agency of this State, each retailer required or
33 authorized to collect the tax imposed by this Act shall pay

1 to the Department the amount of such tax (except as otherwise
2 provided) at the time when he is required to file his return
3 for the period during which such tax was collected, less a
4 discount of 2.1% prior to January 1, 1990, and 1.75% on and
5 after January 1, 1990, or \$5 per calendar year, whichever is
6 greater, which is allowed to reimburse the retailer for
7 expenses incurred in collecting the tax, keeping records,
8 preparing and filing returns, remitting the tax and supplying
9 data to the Department on request. In the case of retailers
10 who report and pay the tax on a transaction by transaction
11 basis, as provided in this Section, such discount shall be
12 taken with each such tax remittance instead of when such
13 retailer files his periodic return. A retailer need not
14 remit that part of any tax collected by him to the extent
15 that he is required to remit and does remit the tax imposed
16 by the Retailers' Occupation Tax Act, with respect to the
17 sale of the same property.

18 Where such tangible personal property is sold under a
19 conditional sales contract, or under any other form of sale
20 wherein the payment of the principal sum, or a part thereof,
21 is extended beyond the close of the period for which the
22 return is filed, the retailer, in collecting the tax (except
23 as to motor vehicles, watercraft, aircraft, and trailers that
24 are required to be registered with an agency of this State),
25 may collect for each tax return period, only the tax
26 applicable to that part of the selling price actually
27 received during such tax return period.

28 Except as provided in this Section, on or before the
29 twentieth day of each calendar month, such retailer shall
30 file a return for the preceding calendar month. Such return
31 shall be filed on forms prescribed by the Department and
32 shall furnish such information as the Department may
33 reasonably require.

34 The Department may require returns to be filed on a

1 quarterly basis. If so required, a return for each calendar
2 quarter shall be filed on or before the twentieth day of the
3 calendar month following the end of such calendar quarter.
4 The taxpayer shall also file a return with the Department for
5 each of the first two months of each calendar quarter, on or
6 before the twentieth day of the following calendar month,
7 stating:

8 1. The name of the seller;

9 2. The address of the principal place of business
10 from which he engages in the business of selling tangible
11 personal property at retail in this State;

12 3. The total amount of taxable receipts received by
13 him during the preceding calendar month from sales of
14 tangible personal property by him during such preceding
15 calendar month, including receipts from charge and time
16 sales, but less all deductions allowed by law;

17 4. The amount of credit provided in Section 2d of
18 this Act;

19 5. The amount of tax due;

20 5-5. The signature of the taxpayer; and

21 6. Such other reasonable information as the
22 Department may require.

23 If a taxpayer fails to sign a return within 30 days after
24 the proper notice and demand for signature by the Department,
25 the return shall be considered valid and any amount shown to
26 be due on the return shall be deemed assessed.

27 Beginning October 1, 1993, a taxpayer who has an average
28 monthly tax liability of \$150,000 or more shall make all
29 payments required by rules of the Department by electronic
30 funds transfer. Beginning October 1, 1994, a taxpayer who has
31 an average monthly tax liability of \$100,000 or more shall
32 make all payments required by rules of the Department by
33 electronic funds transfer. Beginning October 1, 1995, a
34 taxpayer who has an average monthly tax liability of \$50,000

1 or more shall make all payments required by rules of the
2 Department by electronic funds transfer. Beginning October 1,
3 2000, a taxpayer who has an annual tax liability of \$200,000
4 or more shall make all payments required by rules of the
5 Department by electronic funds transfer. The term "annual
6 tax liability" shall be the sum of the taxpayer's liabilities
7 under this Act, and under all other State and local
8 occupation and use tax laws administered by the Department,
9 for the immediately preceding calendar year. The term
10 "average monthly tax liability" means the sum of the
11 taxpayer's liabilities under this Act, and under all other
12 State and local occupation and use tax laws administered by
13 the Department, for the immediately preceding calendar year
14 divided by 12.

15 Before August 1 of each year beginning in 1993, the
16 Department shall notify all taxpayers required to make
17 payments by electronic funds transfer. All taxpayers required
18 to make payments by electronic funds transfer shall make
19 those payments for a minimum of one year beginning on October
20 1.

21 Any taxpayer not required to make payments by electronic
22 funds transfer may make payments by electronic funds transfer
23 with the permission of the Department.

24 All taxpayers required to make payment by electronic
25 funds transfer and any taxpayers authorized to voluntarily
26 make payments by electronic funds transfer shall make those
27 payments in the manner authorized by the Department.

28 The Department shall adopt such rules as are necessary to
29 effectuate a program of electronic funds transfer and the
30 requirements of this Section.

31 Before October 1, 2000, if the taxpayer's average monthly
32 tax liability to the Department under this Act, the
33 Retailers' Occupation Tax Act, the Service Occupation Tax
34 Act, the Service Use Tax Act was \$10,000 or more during the

1 preceding 4 complete calendar quarters, he shall file a
2 return with the Department each month by the 20th day of the
3 month next following the month during which such tax
4 liability is incurred and shall make payments to the
5 Department on or before the 7th, 15th, 22nd and last day of
6 the month during which such liability is incurred. On and
7 after October 1, 2000, if the taxpayer's average monthly tax
8 liability to the Department under this Act, the Retailers'
9 Occupation Tax Act, the Service Occupation Tax Act, and the
10 Service Use Tax Act was \$20,000 or more during the preceding
11 4 complete calendar quarters, he shall file a return with the
12 Department each month by the 20th day of the month next
13 following the month during which such tax liability is
14 incurred and shall make payment to the Department on or
15 before the 7th, 15th, 22nd and last day of the month during
16 which such liability is incurred. If the month during which
17 such tax liability is incurred began prior to January 1,
18 1985, each payment shall be in an amount equal to 1/4 of the
19 taxpayer's actual liability for the month or an amount set by
20 the Department not to exceed 1/4 of the average monthly
21 liability of the taxpayer to the Department for the preceding
22 4 complete calendar quarters (excluding the month of highest
23 liability and the month of lowest liability in such 4 quarter
24 period). If the month during which such tax liability is
25 incurred begins on or after January 1, 1985, and prior to
26 January 1, 1987, each payment shall be in an amount equal to
27 22.5% of the taxpayer's actual liability for the month or
28 27.5% of the taxpayer's liability for the same calendar month
29 of the preceding year. If the month during which such tax
30 liability is incurred begins on or after January 1, 1987, and
31 prior to January 1, 1988, each payment shall be in an amount
32 equal to 22.5% of the taxpayer's actual liability for the
33 month or 26.25% of the taxpayer's liability for the same
34 calendar month of the preceding year. If the month during

1 which such tax liability is incurred begins on or after
2 January 1, 1988, and prior to January 1, 1989, or begins on
3 or after January 1, 1996, each payment shall be in an amount
4 equal to 22.5% of the taxpayer's actual liability for the
5 month or 25% of the taxpayer's liability for the same
6 calendar month of the preceding year. If the month during
7 which such tax liability is incurred begins on or after
8 January 1, 1989, and prior to January 1, 1996, each payment
9 shall be in an amount equal to 22.5% of the taxpayer's actual
10 liability for the month or 25% of the taxpayer's liability
11 for the same calendar month of the preceding year or 100% of
12 the taxpayer's actual liability for the quarter monthly
13 reporting period. The amount of such quarter monthly
14 payments shall be credited against the final tax liability of
15 the taxpayer's return for that month. Before October 1,
16 2000, once applicable, the requirement of the making of
17 quarter monthly payments to the Department shall continue
18 until such taxpayer's average monthly liability to the
19 Department during the preceding 4 complete calendar quarters
20 (excluding the month of highest liability and the month of
21 lowest liability) is less than \$9,000, or until such
22 taxpayer's average monthly liability to the Department as
23 computed for each calendar quarter of the 4 preceding
24 complete calendar quarter period is less than \$10,000.
25 However, if a taxpayer can show the Department that a
26 substantial change in the taxpayer's business has occurred
27 which causes the taxpayer to anticipate that his average
28 monthly tax liability for the reasonably foreseeable future
29 will fall below the \$10,000 threshold stated above, then such
30 taxpayer may petition the Department for change in such
31 taxpayer's reporting status. On and after October 1, 2000,
32 once applicable, the requirement of the making of quarter
33 monthly payments to the Department shall continue until such
34 taxpayer's average monthly liability to the Department during

1 the preceding 4 complete calendar quarters (excluding the
2 month of highest liability and the month of lowest liability)
3 is less than \$19,000 or until such taxpayer's average monthly
4 liability to the Department as computed for each calendar
5 quarter of the 4 preceding complete calendar quarter period
6 is less than \$20,000. However, if a taxpayer can show the
7 Department that a substantial change in the taxpayer's
8 business has occurred which causes the taxpayer to anticipate
9 that his average monthly tax liability for the reasonably
10 foreseeable future will fall below the \$20,000 threshold
11 stated above, then such taxpayer may petition the Department
12 for a change in such taxpayer's reporting status. The
13 Department shall change such taxpayer's reporting status
14 unless it finds that such change is seasonal in nature and
15 not likely to be long term. If any such quarter monthly
16 payment is not paid at the time or in the amount required by
17 this Section, then the taxpayer shall be liable for penalties
18 and interest on the difference between the minimum amount due
19 and the amount of such quarter monthly payment actually and
20 timely paid, except insofar as the taxpayer has previously
21 made payments for that month to the Department in excess of
22 the minimum payments previously due as provided in this
23 Section. The Department shall make reasonable rules and
24 regulations to govern the quarter monthly payment amount and
25 quarter monthly payment dates for taxpayers who file on other
26 than a calendar monthly basis.

27 If any such payment provided for in this Section exceeds
28 the taxpayer's liabilities under this Act, the Retailers'
29 Occupation Tax Act, the Service Occupation Tax Act and the
30 Service Use Tax Act, as shown by an original monthly return,
31 the Department shall issue to the taxpayer a credit
32 memorandum no later than 30 days after the date of payment,
33 which memorandum may be submitted by the taxpayer to the
34 Department in payment of tax liability subsequently to be

1 remitted by the taxpayer to the Department or be assigned by
2 the taxpayer to a similar taxpayer under this Act, the
3 Retailers' Occupation Tax Act, the Service Occupation Tax Act
4 or the Service Use Tax Act, in accordance with reasonable
5 rules and regulations to be prescribed by the Department,
6 except that if such excess payment is shown on an original
7 monthly return and is made after December 31, 1986, no credit
8 memorandum shall be issued, unless requested by the taxpayer.
9 If no such request is made, the taxpayer may credit such
10 excess payment against tax liability subsequently to be
11 remitted by the taxpayer to the Department under this Act,
12 the Retailers' Occupation Tax Act, the Service Occupation Tax
13 Act or the Service Use Tax Act, in accordance with reasonable
14 rules and regulations prescribed by the Department. If the
15 Department subsequently determines that all or any part of
16 the credit taken was not actually due to the taxpayer, the
17 taxpayer's 2.1% or 1.75% vendor's discount shall be reduced
18 by 2.1% or 1.75% of the difference between the credit taken
19 and that actually due, and the taxpayer shall be liable for
20 penalties and interest on such difference.

21 If the retailer is otherwise required to file a monthly
22 return and if the retailer's average monthly tax liability to
23 the Department does not exceed \$200, the Department may
24 authorize his returns to be filed on a quarter annual basis,
25 with the return for January, February, and March of a given
26 year being due by April 20 of such year; with the return for
27 April, May and June of a given year being due by July 20 of
28 such year; with the return for July, August and September of
29 a given year being due by October 20 of such year, and with
30 the return for October, November and December of a given year
31 being due by January 20 of the following year.

32 If the retailer is otherwise required to file a monthly
33 or quarterly return and if the retailer's average monthly tax
34 liability to the Department does not exceed \$50, the

1 Department may authorize his returns to be filed on an annual
2 basis, with the return for a given year being due by January
3 20 of the following year.

4 Such quarter annual and annual returns, as to form and
5 substance, shall be subject to the same requirements as
6 monthly returns.

7 Notwithstanding any other provision in this Act
8 concerning the time within which a retailer may file his
9 return, in the case of any retailer who ceases to engage in a
10 kind of business which makes him responsible for filing
11 returns under this Act, such retailer shall file a final
12 return under this Act with the Department not more than one
13 month after discontinuing such business.

14 In addition, with respect to motor vehicles, watercraft,
15 aircraft, and trailers that are required to be registered
16 with an agency of this State, every retailer selling this
17 kind of tangible personal property shall file, with the
18 Department, upon a form to be prescribed and supplied by the
19 Department, a separate return for each such item of tangible
20 personal property which the retailer sells, except that if,
21 in the same transaction, (i) a retailer of aircraft,
22 watercraft, motor vehicles or trailers transfers more than
23 one aircraft, watercraft, motor vehicle or trailer to another
24 aircraft, watercraft, motor vehicle or trailer retailer for
25 the purpose of resale or (ii) a retailer of aircraft,
26 watercraft, motor vehicles, or trailers transfers more than
27 one aircraft, watercraft, motor vehicle, or trailer to a
28 purchaser for use as a qualifying rolling stock as provided
29 in Section 3-55 of this Act, then that seller may report the
30 transfer of all the aircraft, watercraft, motor vehicles or
31 trailers involved in that transaction to the Department on
32 the same uniform invoice-transaction reporting return form.
33 For purposes of this Section, "watercraft" means a Class 2,
34 Class 3, or Class 4 watercraft as defined in Section 3-2 of

1 the Boat Registration and Safety Act, a personal watercraft,
2 or any boat equipped with an inboard motor.

3 The transaction reporting return in the case of motor
4 vehicles or trailers that are required to be registered with
5 an agency of this State, shall be the same document as the
6 Uniform Invoice referred to in Section 5-402 of the Illinois
7 Vehicle Code and must show the name and address of the
8 seller; the name and address of the purchaser; the amount of
9 the selling price including the amount allowed by the
10 retailer for traded-in property, if any; the amount allowed
11 by the retailer for the traded-in tangible personal property,
12 if any, to the extent to which Section 2 of this Act allows
13 an exemption for the value of traded-in property; the balance
14 payable after deducting such trade-in allowance from the
15 total selling price; the amount of tax due from the retailer
16 with respect to such transaction; the amount of tax collected
17 from the purchaser by the retailer on such transaction (or
18 satisfactory evidence that such tax is not due in that
19 particular instance, if that is claimed to be the fact); the
20 place and date of the sale; a sufficient identification of
21 the property sold; such other information as is required in
22 Section 5-402 of the Illinois Vehicle Code, and such other
23 information as the Department may reasonably require.

24 The transaction reporting return in the case of
25 watercraft and aircraft must show the name and address of the
26 seller; the name and address of the purchaser; the amount of
27 the selling price including the amount allowed by the
28 retailer for traded-in property, if any; the amount allowed
29 by the retailer for the traded-in tangible personal property,
30 if any, to the extent to which Section 2 of this Act allows
31 an exemption for the value of traded-in property; the balance
32 payable after deducting such trade-in allowance from the
33 total selling price; the amount of tax due from the retailer
34 with respect to such transaction; the amount of tax collected

1 from the purchaser by the retailer on such transaction (or
2 satisfactory evidence that such tax is not due in that
3 particular instance, if that is claimed to be the fact); the
4 place and date of the sale, a sufficient identification of
5 the property sold, and such other information as the
6 Department may reasonably require.

7 Such transaction reporting return shall be filed not
8 later than 20 days after the date of delivery of the item
9 that is being sold, but may be filed by the retailer at any
10 time sooner than that if he chooses to do so. The
11 transaction reporting return and tax remittance or proof of
12 exemption from the tax that is imposed by this Act may be
13 transmitted to the Department by way of the State agency with
14 which, or State officer with whom, the tangible personal
15 property must be titled or registered (if titling or
16 registration is required) if the Department and such agency
17 or State officer determine that this procedure will expedite
18 the processing of applications for title or registration.

19 With each such transaction reporting return, the retailer
20 shall remit the proper amount of tax due (or shall submit
21 satisfactory evidence that the sale is not taxable if that is
22 the case), to the Department or its agents, whereupon the
23 Department shall issue, in the purchaser's name, a tax
24 receipt (or a certificate of exemption if the Department is
25 satisfied that the particular sale is tax exempt) which such
26 purchaser may submit to the agency with which, or State
27 officer with whom, he must title or register the tangible
28 personal property that is involved (if titling or
29 registration is required) in support of such purchaser's
30 application for an Illinois certificate or other evidence of
31 title or registration to such tangible personal property.

32 No retailer's failure or refusal to remit tax under this
33 Act precludes a user, who has paid the proper tax to the
34 retailer, from obtaining his certificate of title or other

1 evidence of title or registration (if titling or registration
2 is required) upon satisfying the Department that such user
3 has paid the proper tax (if tax is due) to the retailer. The
4 Department shall adopt appropriate rules to carry out the
5 mandate of this paragraph.

6 If the user who would otherwise pay tax to the retailer
7 wants the transaction reporting return filed and the payment
8 of tax or proof of exemption made to the Department before
9 the retailer is willing to take these actions and such user
10 has not paid the tax to the retailer, such user may certify
11 to the fact of such delay by the retailer, and may (upon the
12 Department being satisfied of the truth of such
13 certification) transmit the information required by the
14 transaction reporting return and the remittance for tax or
15 proof of exemption directly to the Department and obtain his
16 tax receipt or exemption determination, in which event the
17 transaction reporting return and tax remittance (if a tax
18 payment was required) shall be credited by the Department to
19 the proper retailer's account with the Department, but
20 without the 2.1% or 1.75% discount provided for in this
21 Section being allowed. When the user pays the tax directly
22 to the Department, he shall pay the tax in the same amount
23 and in the same form in which it would be remitted if the tax
24 had been remitted to the Department by the retailer.

25 Where a retailer collects the tax with respect to the
26 selling price of tangible personal property which he sells
27 and the purchaser thereafter returns such tangible personal
28 property and the retailer refunds the selling price thereof
29 to the purchaser, such retailer shall also refund, to the
30 purchaser, the tax so collected from the purchaser. When
31 filing his return for the period in which he refunds such tax
32 to the purchaser, the retailer may deduct the amount of the
33 tax so refunded by him to the purchaser from any other use
34 tax which such retailer may be required to pay or remit to

1 the Department, as shown by such return, if the amount of the
2 tax to be deducted was previously remitted to the Department
3 by such retailer. If the retailer has not previously
4 remitted the amount of such tax to the Department, he is
5 entitled to no deduction under this Act upon refunding such
6 tax to the purchaser.

7 Any retailer filing a return under this Section shall
8 also include (for the purpose of paying tax thereon) the
9 total tax covered by such return upon the selling price of
10 tangible personal property purchased by him at retail from a
11 retailer, but as to which the tax imposed by this Act was not
12 collected from the retailer filing such return, and such
13 retailer shall remit the amount of such tax to the Department
14 when filing such return.

15 If experience indicates such action to be practicable,
16 the Department may prescribe and furnish a combination or
17 joint return which will enable retailers, who are required to
18 file returns hereunder and also under the Retailers'
19 Occupation Tax Act, to furnish all the return information
20 required by both Acts on the one form.

21 Where the retailer has more than one business registered
22 with the Department under separate registration under this
23 Act, such retailer may not file each return that is due as a
24 single return covering all such registered businesses, but
25 shall file separate returns for each such registered
26 business.

27 Beginning January 1, 1990, each month the Department
28 shall pay into the State and Local Sales Tax Reform Fund, a
29 special fund in the State Treasury which is hereby created,
30 the net revenue realized for the preceding month from the 1%
31 tax on sales of food for human consumption which is to be
32 consumed off the premises where it is sold (other than
33 alcoholic beverages, soft drinks and food which has been
34 prepared for immediate consumption) and prescription and

1 nonprescription medicines, drugs, medical appliances and
2 insulin, urine testing materials, syringes and needles used
3 by diabetics.

4 Beginning January 1, 1990, each month the Department
5 shall pay into the County and Mass Transit District Fund 4%
6 of the net revenue realized for the preceding month from the
7 6.25% general rate on the selling price of tangible personal
8 property which is purchased outside Illinois at retail from a
9 retailer and which is titled or registered by an agency of
10 this State's government.

11 Beginning January 1, 1990, each month the Department
12 shall pay into the State and Local Sales Tax Reform Fund, a
13 special fund in the State Treasury, 20% of the net revenue
14 realized for the preceding month from the 6.25% general rate
15 on the selling price of tangible personal property, other
16 than tangible personal property which is purchased outside
17 Illinois at retail from a retailer and which is titled or
18 registered by an agency of this State's government.

19 Beginning August 1, 2000, each month the Department shall
20 pay into the State and Local Sales Tax Reform Fund 100% of
21 the net revenue realized for the preceding month from the
22 1.25% rate on the selling price of motor fuel and gasohol.

23 Beginning January 1, 1990, each month the Department
24 shall pay into the Local Government Tax Fund 16% of the net
25 revenue realized for the preceding month from the 6.25%
26 general rate on the selling price of tangible personal
27 property which is purchased outside Illinois at retail from a
28 retailer and which is titled or registered by an agency of
29 this State's government.

30 Of the remainder of the moneys received by the Department
31 pursuant to this Act, (a) 1.75% thereof shall be paid into
32 the Build Illinois Fund and (b) prior to July 1, 1989, 2.2%
33 and on and after July 1, 1989, 3.8% thereof shall be paid
34 into the Build Illinois Fund; provided, however, that if in

1 any fiscal year the sum of (1) the aggregate of 2.2% or 3.8%,
2 as the case may be, of the moneys received by the Department
3 and required to be paid into the Build Illinois Fund pursuant
4 to Section 3 of the Retailers' Occupation Tax Act, Section 9
5 of the Use Tax Act, Section 9 of the Service Use Tax Act, and
6 Section 9 of the Service Occupation Tax Act, such Acts being
7 hereinafter called the "Tax Acts" and such aggregate of 2.2%
8 or 3.8%, as the case may be, of moneys being hereinafter
9 called the "Tax Act Amount", and (2) the amount transferred
10 to the Build Illinois Fund from the State and Local Sales Tax
11 Reform Fund shall be less than the Annual Specified Amount
12 (as defined in Section 3 of the Retailers' Occupation Tax
13 Act), an amount equal to the difference shall be immediately
14 paid into the Build Illinois Fund from other moneys received
15 by the Department pursuant to the Tax Acts; and further
16 provided, that if on the last business day of any month the
17 sum of (1) the Tax Act Amount required to be deposited into
18 the Build Illinois Bond Account in the Build Illinois Fund
19 during such month and (2) the amount transferred during such
20 month to the Build Illinois Fund from the State and Local
21 Sales Tax Reform Fund shall have been less than 1/12 of the
22 Annual Specified Amount, an amount equal to the difference
23 shall be immediately paid into the Build Illinois Fund from
24 other moneys received by the Department pursuant to the Tax
25 Acts; and, further provided, that in no event shall the
26 payments required under the preceding proviso result in
27 aggregate payments into the Build Illinois Fund pursuant to
28 this clause (b) for any fiscal year in excess of the greater
29 of (i) the Tax Act Amount or (ii) the Annual Specified Amount
30 for such fiscal year; and, further provided, that the amounts
31 payable into the Build Illinois Fund under this clause (b)
32 shall be payable only until such time as the aggregate amount
33 on deposit under each trust indenture securing Bonds issued
34 and outstanding pursuant to the Build Illinois Bond Act is

1 sufficient, taking into account any future investment income,
2 to fully provide, in accordance with such indenture, for the
3 defeasance of or the payment of the principal of, premium, if
4 any, and interest on the Bonds secured by such indenture and
5 on any Bonds expected to be issued thereafter and all fees
6 and costs payable with respect thereto, all as certified by
7 the Director of the Bureau of the Budget. If on the last
8 business day of any month in which Bonds are outstanding
9 pursuant to the Build Illinois Bond Act, the aggregate of the
10 moneys deposited in the Build Illinois Bond Account in the
11 Build Illinois Fund in such month shall be less than the
12 amount required to be transferred in such month from the
13 Build Illinois Bond Account to the Build Illinois Bond
14 Retirement and Interest Fund pursuant to Section 13 of the
15 Build Illinois Bond Act, an amount equal to such deficiency
16 shall be immediately paid from other moneys received by the
17 Department pursuant to the Tax Acts to the Build Illinois
18 Fund; provided, however, that any amounts paid to the Build
19 Illinois Fund in any fiscal year pursuant to this sentence
20 shall be deemed to constitute payments pursuant to clause (b)
21 of the preceding sentence and shall reduce the amount
22 otherwise payable for such fiscal year pursuant to clause (b)
23 of the preceding sentence. The moneys received by the
24 Department pursuant to this Act and required to be deposited
25 into the Build Illinois Fund are subject to the pledge, claim
26 and charge set forth in Section 12 of the Build Illinois Bond
27 Act.

28 Subject to payment of amounts into the Build Illinois
29 Fund as provided in the preceding paragraph or in any
30 amendment thereto hereafter enacted, the following specified
31 monthly installment of the amount requested in the
32 certificate of the Chairman of the Metropolitan Pier and
33 Exposition Authority provided under Section 8.25f of the
34 State Finance Act, but not in excess of the sums designated

1 as "Total Deposit", shall be deposited in the aggregate from
 2 collections under Section 9 of the Use Tax Act, Section 9 of
 3 the Service Use Tax Act, Section 9 of the Service Occupation
 4 Tax Act, and Section 3 of the Retailers' Occupation Tax Act
 5 into the McCormick Place Expansion Project Fund in the
 6 specified fiscal years.

7	Fiscal Year	Total Deposit
8	1993	\$0
9	1994	53,000,000
10	1995	58,000,000
11	1996	61,000,000
12	1997	64,000,000
13	1998	68,000,000
14	1999	71,000,000
15	2000	75,000,000
16	2001	80,000,000
17	2002	84,000,000
18	2003	89,000,000
19	2004	93,000,000
20	2005	97,000,000
21	2006	102,000,000
22	2007	108,000,000
23	2008	115,000,000
24	2009	120,000,000
25	2010	126,000,000
26	2011	132,000,000
27	2012	138,000,000
28	2013 and	145,000,000

29 each fiscal year
 30 thereafter that bonds
 31 are outstanding under
 32 Section 13.2 of the
 33 Metropolitan Pier and
 34 Exposition Authority

1 Act, but not after fiscal year 2029.

2 Beginning July 20, 1993 and in each month of each fiscal
3 year thereafter, one-eighth of the amount requested in the
4 certificate of the Chairman of the Metropolitan Pier and
5 Exposition Authority for that fiscal year, less the amount
6 deposited into the McCormick Place Expansion Project Fund by
7 the State Treasurer in the respective month under subsection
8 (g) of Section 13 of the Metropolitan Pier and Exposition
9 Authority Act, plus cumulative deficiencies in the deposits
10 required under this Section for previous months and years,
11 shall be deposited into the McCormick Place Expansion Project
12 Fund, until the full amount requested for the fiscal year,
13 but not in excess of the amount specified above as "Total
14 Deposit", has been deposited.

15 Subject to payment of amounts into the Build Illinois
16 Fund and the McCormick Place Expansion Project Fund pursuant
17 to the preceding paragraphs or in any amendment thereto
18 hereafter enacted, each month the Department shall pay into
19 the Local Government Distributive Fund .4% of the net revenue
20 realized for the preceding month from the 5% general rate, or
21 .4% of 80% of the net revenue realized for the preceding
22 month from the 6.25% general rate, as the case may be, on the
23 selling price of tangible personal property which amount
24 shall, subject to appropriation, be distributed as provided
25 in Section 2 of the State Revenue Sharing Act. No payments or
26 distributions pursuant to this paragraph shall be made if the
27 tax imposed by this Act on photoprocessing products is
28 declared unconstitutional, or if the proceeds from such tax
29 are unavailable for distribution because of litigation.

30 Subject to payment of amounts into the Build Illinois
31 Fund, the McCormick Place Expansion Project Fund, and the
32 Local Government Distributive Fund pursuant to the preceding
33 paragraphs or in any amendments thereto hereafter enacted,
34 beginning July 1, 1993, the Department shall each month pay

1 into the Illinois Tax Increment Fund 0.27% of 80% of the net
2 revenue realized for the preceding month from the 6.25%
3 general rate on the selling price of tangible personal
4 property.

5 Of the remainder of the moneys received by the Department
6 pursuant to this Act, 75% thereof shall be paid into the
7 State Treasury and 25% shall be reserved in a special account
8 and used only for the transfer to the Common School Fund as
9 part of the monthly transfer from the General Revenue Fund in
10 accordance with Section 8a of the State Finance Act.

11 As soon as possible after the first day of each month,
12 upon certification of the Department of Revenue, the
13 Comptroller shall order transferred and the Treasurer shall
14 transfer from the General Revenue Fund to the Motor Fuel Tax
15 Fund an amount equal to 1.7% of 80% of the net revenue
16 realized under this Act for the second preceding month.
17 Beginning April 1, 2000, this transfer is no longer required
18 and shall not be made.

19 Net revenue realized for a month shall be the revenue
20 collected by the State pursuant to this Act, less the amount
21 paid out during that month as refunds to taxpayers for
22 overpayment of liability.

23 For greater simplicity of administration, manufacturers,
24 importers and wholesalers whose products are sold at retail
25 in Illinois by numerous retailers, and who wish to do so, may
26 assume the responsibility for accounting and paying to the
27 Department all tax accruing under this Act with respect to
28 such sales, if the retailers who are affected do not make
29 written objection to the Department to this arrangement.

30 (Source: P.A. 90-491, eff. 1-1-99; 90-612, eff. 7-8-98;
31 91-37, eff. 7-1-99; 91-51, eff. 6-30-99; 91-101, eff.
32 7-12-99; 91-541, eff. 8-13-99; 91-872, eff. 7-1-00; 91-901,
33 eff. 1-1-01; revised 8-30-00.)

1 Section 34. The Service Use Tax Act is amended by
2 changing Sections 3-5 and 3-45 as follows:

3 (35 ILCS 110/3-5) (from Ch. 120, par. 439.33-5)

4 Sec. 3-5. Exemptions. Use of the following tangible
5 personal property is exempt from the tax imposed by this Act:

6 (1) Personal property purchased from a corporation,
7 society, association, foundation, institution, or
8 organization, other than a limited liability company, that is
9 organized and operated as a not-for-profit service enterprise
10 for the benefit of persons 65 years of age or older if the
11 personal property was not purchased by the enterprise for the
12 purpose of resale by the enterprise.

13 (2) Personal property purchased by a non-profit Illinois
14 county fair association for use in conducting, operating, or
15 promoting the county fair.

16 (3) Personal property purchased by a not-for-profit arts
17 or cultural organization that establishes, by proof required
18 by the Department by rule, that it has received an exemption
19 under Section 501(c)(3) of the Internal Revenue Code and that
20 is organized and operated for the presentation or support of
21 arts or cultural programming, activities, or services. These
22 organizations include, but are not limited to, music and
23 dramatic arts organizations such as symphony orchestras and
24 theatrical groups, arts and cultural service organizations,
25 local arts councils, visual arts organizations, and media
26 arts organizations.

27 (4) Legal tender, currency, medallions, or gold or
28 silver coinage issued by the State of Illinois, the
29 government of the United States of America, or the government
30 of any foreign country, and bullion.

31 (5) Graphic arts machinery and equipment, including
32 repair and replacement parts, both new and used, and
33 including that manufactured on special order or purchased for

1 lease, certified by the purchaser to be used primarily for
2 graphic arts production.

3 (6) Personal property purchased from a teacher-sponsored
4 student organization affiliated with an elementary or
5 secondary school located in Illinois.

6 (7) Farm machinery and equipment, both new and used,
7 including that manufactured on special order, certified by
8 the purchaser to be used primarily for production agriculture
9 or State or federal agricultural programs, including
10 individual replacement parts for the machinery and equipment,
11 including machinery and equipment purchased for lease, and
12 including implements of husbandry defined in Section 1-130 of
13 the Illinois Vehicle Code, farm machinery and agricultural
14 chemical and fertilizer spreaders, and nurse wagons required
15 to be registered under Section 3-809 of the Illinois Vehicle
16 Code, but excluding other motor vehicles required to be
17 registered under the Illinois Vehicle Code. Horticultural
18 polyhouses or hoop houses used for propagating, growing, or
19 overwintering plants shall be considered farm machinery and
20 equipment under this item (7). Agricultural chemical tender
21 tanks and dry boxes shall include units sold separately from
22 a motor vehicle required to be licensed and units sold
23 mounted on a motor vehicle required to be licensed if the
24 selling price of the tender is separately stated.

25 Farm machinery and equipment shall include precision
26 farming equipment that is installed or purchased to be
27 installed on farm machinery and equipment including, but not
28 limited to, tractors, harvesters, sprayers, planters,
29 seeders, or spreaders. Precision farming equipment includes,
30 but is not limited to, soil testing sensors, computers,
31 monitors, software, global positioning and mapping systems,
32 and other such equipment.

33 Farm machinery and equipment also includes computers,
34 sensors, software, and related equipment used primarily in

1 the computer-assisted operation of production agriculture
2 facilities, equipment, and activities such as, but not
3 limited to, the collection, monitoring, and correlation of
4 animal and crop data for the purpose of formulating animal
5 diets and agricultural chemicals. This item (7) is exempt
6 from the provisions of Section 3-75.

7 (8) Fuel and petroleum products sold to or used by an
8 air common carrier, certified by the carrier to be used for
9 consumption, shipment, or storage in the conduct of its
10 business as an air common carrier, for a flight destined for
11 or returning from a location or locations outside the United
12 States without regard to previous or subsequent domestic
13 stopovers.

14 (9) Proceeds of mandatory service charges separately
15 stated on customers' bills for the purchase and consumption
16 of food and beverages acquired as an incident to the purchase
17 of a service from a serviceman, to the extent that the
18 proceeds of the service charge are in fact turned over as
19 tips or as a substitute for tips to the employees who
20 participate directly in preparing, serving, hosting or
21 cleaning up the food or beverage function with respect to
22 which the service charge is imposed.

23 (10) Oil field exploration, drilling, and production
24 equipment, including (i) rigs and parts of rigs, rotary rigs,
25 cable tool rigs, and workover rigs, (ii) pipe and tubular
26 goods, including casing and drill strings, (iii) pumps and
27 pump-jack units, (iv) storage tanks and flow lines, (v) any
28 individual replacement part for oil field exploration,
29 drilling, and production equipment, and (vi) machinery and
30 equipment purchased for lease; but excluding motor vehicles
31 required to be registered under the Illinois Vehicle Code.

32 (11) Proceeds from the sale of photoprocessing machinery
33 and equipment, including repair and replacement parts, both
34 new and used, including that manufactured on special order,

1 certified by the purchaser to be used primarily for
2 photoprocessing, and including photoprocessing machinery and
3 equipment purchased for lease.

4 (12) Coal exploration, mining, offhighway hauling,
5 processing, maintenance, and reclamation equipment, including
6 replacement parts and equipment, and including equipment
7 purchased for lease, but excluding motor vehicles required to
8 be registered under the Illinois Vehicle Code.

9 (13) Semen used for artificial insemination of livestock
10 for direct agricultural production.

11 (14) Horses, or interests in horses, registered with and
12 meeting the requirements of any of the Arabian Horse Club
13 Registry of America, Appaloosa Horse Club, American Quarter
14 Horse Association, United States Trotting Association, or
15 Jockey Club, as appropriate, used for purposes of breeding or
16 racing for prizes.

17 (15) Computers and communications equipment utilized for
18 any hospital purpose and equipment used in the diagnosis,
19 analysis, or treatment of hospital patients purchased by a
20 lessor who leases the equipment, under a lease of one year or
21 longer executed or in effect at the time the lessor would
22 otherwise be subject to the tax imposed by this Act, to a
23 hospital that has been issued an active tax exemption
24 identification number by the Department under Section 1g of
25 the Retailers' Occupation Tax Act. If the equipment is leased
26 in a manner that does not qualify for this exemption or is
27 used in any other non-exempt manner, the lessor shall be
28 liable for the tax imposed under this Act or the Use Tax Act,
29 as the case may be, based on the fair market value of the
30 property at the time the non-qualifying use occurs. No
31 lessor shall collect or attempt to collect an amount (however
32 designated) that purports to reimburse that lessor for the
33 tax imposed by this Act or the Use Tax Act, as the case may
34 be, if the tax has not been paid by the lessor. If a lessor

1 improperly collects any such amount from the lessee, the
2 lessee shall have a legal right to claim a refund of that
3 amount from the lessor. If, however, that amount is not
4 refunded to the lessee for any reason, the lessor is liable
5 to pay that amount to the Department.

6 (16) Personal property purchased by a lessor who leases
7 the property, under a lease of one year or longer executed or
8 in effect at the time the lessor would otherwise be subject
9 to the tax imposed by this Act, to a governmental body that
10 has been issued an active tax exemption identification number
11 by the Department under Section 1g of the Retailers'
12 Occupation Tax Act. If the property is leased in a manner
13 that does not qualify for this exemption or is used in any
14 other non-exempt manner, the lessor shall be liable for the
15 tax imposed under this Act or the Use Tax Act, as the case
16 may be, based on the fair market value of the property at the
17 time the non-qualifying use occurs. No lessor shall collect
18 or attempt to collect an amount (however designated) that
19 purports to reimburse that lessor for the tax imposed by this
20 Act or the Use Tax Act, as the case may be, if the tax has
21 not been paid by the lessor. If a lessor improperly collects
22 any such amount from the lessee, the lessee shall have a
23 legal right to claim a refund of that amount from the lessor.
24 If, however, that amount is not refunded to the lessee for
25 any reason, the lessor is liable to pay that amount to the
26 Department.

27 (17) Beginning with taxable years ending on or after
28 December 31, 1995 and ending with taxable years ending on or
29 before December 31, 2004, personal property that is donated
30 for disaster relief to be used in a State or federally
31 declared disaster area in Illinois or bordering Illinois by a
32 manufacturer or retailer that is registered in this State to
33 a corporation, society, association, foundation, or
34 institution that has been issued a sales tax exemption

1 identification number by the Department that assists victims
2 of the disaster who reside within the declared disaster area.

3 (18) Beginning with taxable years ending on or after
4 December 31, 1995 and ending with taxable years ending on or
5 before December 31, 2004, personal property that is used in
6 the performance of infrastructure repairs in this State,
7 including but not limited to municipal roads and streets,
8 access roads, bridges, sidewalks, waste disposal systems,
9 water and sewer line extensions, water distribution and
10 purification facilities, storm water drainage and retention
11 facilities, and sewage treatment facilities, resulting from a
12 State or federally declared disaster in Illinois or bordering
13 Illinois when such repairs are initiated on facilities
14 located in the declared disaster area within 6 months after
15 the disaster.

16 (19) Beginning July 1, 1999, game or game birds
17 purchased at a "game breeding and hunting preserve area" or
18 an "exotic game hunting area" as those terms are used in the
19 Wildlife Code or at a hunting enclosure approved through
20 rules adopted by the Department of Natural Resources. This
21 paragraph is exempt from the provisions of Section 3-75.

22 (20) ~~(19)~~ A motor vehicle, as that term is defined in
23 Section 1-146 of the Illinois Vehicle Code, that is donated
24 to a corporation, limited liability company, society,
25 association, foundation, or institution that is determined by
26 the Department to be organized and operated exclusively for
27 educational purposes. For purposes of this exemption, "a
28 corporation, limited liability company, society, association,
29 foundation, or institution organized and operated exclusively
30 for educational purposes" means all tax-supported public
31 schools, private schools that offer systematic instruction in
32 useful branches of learning by methods common to public
33 schools and that compare favorably in their scope and
34 intensity with the course of study presented in tax-supported

1 schools, and vocational or technical schools or institutes
2 organized and operated exclusively to provide a course of
3 study of not less than 6 weeks duration and designed to
4 prepare individuals to follow a trade or to pursue a manual,
5 technical, mechanical, industrial, business, or commercial
6 occupation.

7 (21) ~~(20)~~ Beginning January 1, 2000, personal property,
8 including food, purchased through fundraising events for the
9 benefit of a public or private elementary or secondary
10 school, a group of those schools, or one or more school
11 districts if the events are sponsored by an entity recognized
12 by the school district that consists primarily of volunteers
13 and includes parents and teachers of the school children.
14 This paragraph does not apply to fundraising events (i) for
15 the benefit of private home instruction or (ii) for which the
16 fundraising entity purchases the personal property sold at
17 the events from another individual or entity that sold the
18 property for the purpose of resale by the fundraising entity
19 and that profits from the sale to the fundraising entity.
20 This paragraph is exempt from the provisions of Section 3-75.

21 (22) ~~(19)~~ Beginning January 1, 2000, new or used
22 automatic vending machines that prepare and serve hot food
23 and beverages, including coffee, soup, and other items, and
24 replacement parts for these machines. This paragraph is
25 exempt from the provisions of Section 3-75.

26 (Source: P.A. 90-14, eff. 7-1-97; 90-552, eff. 12-12-97;
27 90-605, eff. 6-30-98; 91-51, eff. 6-30-99; 91-200, eff.
28 7-20-99; 91-439, eff. 8-6-99; 91-637, eff. 8-20-99; 91-644,
29 eff. 8-20-99; revised 9-29-99.)

30 (35 ILCS 110/3-45) (from Ch. 120, par. 439.33-45)

31 Sec. 3-45. Multistate exemption. The tax imposed by
32 this Act does not apply to the use of tangible personal
33 property in this State under the following circumstances:

1 (a) The use, in this State, of property acquired outside
 2 this State by a nonresident individual and brought into this
 3 State by the individual for his or her own use while
 4 temporarily within this State or while passing through this
 5 State.

6 (b) The use, in this State, of property that is acquired
 7 outside this State and that is moved into this State for use
 8 as rolling stock moving in interstate commerce.

9 (c) The use, in this State, of property that is acquired
 10 outside this State and caused to be brought into this State
 11 by a person who has already paid a tax in another state in
 12 respect to the sale, purchase, or use of that property, to
 13 the extent of the amount of the tax properly due and paid in
 14 the other state.

15 (d) The temporary storage, in this State, of property
 16 that is acquired outside this State and that after being
 17 brought into this State and stored here temporarily, is used
 18 solely outside this State or is physically attached to or
 19 incorporated into other property that is used solely outside
 20 this State, or is altered by converting, fabricating,
 21 manufacturing, printing, processing, or shaping, and, as
 22 altered, is used solely outside this State.

23 (e) Beginning July 1, 1999, the use, in this State, of
 24 fuel acquired outside this State and brought into this State
 25 in the fuel supply tanks of locomotives engaged in freight
 26 hauling and passenger service for interstate commerce. This
 27 subsection is exempt from the provisions of Section 3-75.

28 (Source: P.A. 91-51, eff. 6-30-99; 91-313, eff. 7-29-99;
 29 91-587, eff. 8-14-99; revised 9-29-99.)

30 Section 35. The Service Occupation Tax Act is amended by
 31 changing Section 3-5 as follows:

32 (35 ILCS 115/3-5) (from Ch. 120, par. 439.103-5)

1 Sec. 3-5. Exemptions. The following tangible personal
2 property is exempt from the tax imposed by this Act:

3 (1) Personal property sold by a corporation, society,
4 association, foundation, institution, or organization, other
5 than a limited liability company, that is organized and
6 operated as a not-for-profit service enterprise for the
7 benefit of persons 65 years of age or older if the personal
8 property was not purchased by the enterprise for the purpose
9 of resale by the enterprise.

10 (2) Personal property purchased by a not-for-profit
11 Illinois county fair association for use in conducting,
12 operating, or promoting the county fair.

13 (3) Personal property purchased by any not-for-profit
14 arts or cultural organization that establishes, by proof
15 required by the Department by rule, that it has received an
16 exemption under Section 501(c)(3) of the Internal Revenue
17 Code and that is organized and operated for the presentation
18 or support of arts or cultural programming, activities, or
19 services. These organizations include, but are not limited
20 to, music and dramatic arts organizations such as symphony
21 orchestras and theatrical groups, arts and cultural service
22 organizations, local arts councils, visual arts
23 organizations, and media arts organizations.

24 (4) Legal tender, currency, medallions, or gold or
25 silver coinage issued by the State of Illinois, the
26 government of the United States of America, or the government
27 of any foreign country, and bullion.

28 (5) Graphic arts machinery and equipment, including
29 repair and replacement parts, both new and used, and
30 including that manufactured on special order or purchased for
31 lease, certified by the purchaser to be used primarily for
32 graphic arts production.

33 (6) Personal property sold by a teacher-sponsored
34 student organization affiliated with an elementary or

1 secondary school located in Illinois.

2 (7) Farm machinery and equipment, both new and used,
3 including that manufactured on special order, certified by
4 the purchaser to be used primarily for production agriculture
5 or State or federal agricultural programs, including
6 individual replacement parts for the machinery and equipment,
7 including machinery and equipment purchased for lease, and
8 including implements of husbandry defined in Section 1-130 of
9 the Illinois Vehicle Code, farm machinery and agricultural
10 chemical and fertilizer spreaders, and nurse wagons required
11 to be registered under Section 3-809 of the Illinois Vehicle
12 Code, but excluding other motor vehicles required to be
13 registered under the Illinois Vehicle Code. Horticultural
14 polyhouses or hoop houses used for propagating, growing, or
15 overwintering plants shall be considered farm machinery and
16 equipment under this item (7). Agricultural chemical tender
17 tanks and dry boxes shall include units sold separately from
18 a motor vehicle required to be licensed and units sold
19 mounted on a motor vehicle required to be licensed if the
20 selling price of the tender is separately stated.

21 Farm machinery and equipment shall include precision
22 farming equipment that is installed or purchased to be
23 installed on farm machinery and equipment including, but not
24 limited to, tractors, harvesters, sprayers, planters,
25 seeders, or spreaders. Precision farming equipment includes,
26 but is not limited to, soil testing sensors, computers,
27 monitors, software, global positioning and mapping systems,
28 and other such equipment.

29 Farm machinery and equipment also includes computers,
30 sensors, software, and related equipment used primarily in
31 the computer-assisted operation of production agriculture
32 facilities, equipment, and activities such as, but not
33 limited to, the collection, monitoring, and correlation of
34 animal and crop data for the purpose of formulating animal

1 diets and agricultural chemicals. This item (7) is exempt
2 from the provisions of Section 3-55.

3 (8) Fuel and petroleum products sold to or used by an
4 air common carrier, certified by the carrier to be used for
5 consumption, shipment, or storage in the conduct of its
6 business as an air common carrier, for a flight destined for
7 or returning from a location or locations outside the United
8 States without regard to previous or subsequent domestic
9 stopovers.

10 (9) Proceeds of mandatory service charges separately
11 stated on customers' bills for the purchase and consumption
12 of food and beverages, to the extent that the proceeds of the
13 service charge are in fact turned over as tips or as a
14 substitute for tips to the employees who participate directly
15 in preparing, serving, hosting or cleaning up the food or
16 beverage function with respect to which the service charge is
17 imposed.

18 (10) Oil field exploration, drilling, and production
19 equipment, including (i) rigs and parts of rigs, rotary rigs,
20 cable tool rigs, and workover rigs, (ii) pipe and tubular
21 goods, including casing and drill strings, (iii) pumps and
22 pump-jack units, (iv) storage tanks and flow lines, (v) any
23 individual replacement part for oil field exploration,
24 drilling, and production equipment, and (vi) machinery and
25 equipment purchased for lease; but excluding motor vehicles
26 required to be registered under the Illinois Vehicle Code.

27 (11) Photoprocessing machinery and equipment, including
28 repair and replacement parts, both new and used, including
29 that manufactured on special order, certified by the
30 purchaser to be used primarily for photoprocessing, and
31 including photoprocessing machinery and equipment purchased
32 for lease.

33 (12) Coal exploration, mining, offhighway hauling,
34 processing, maintenance, and reclamation equipment, including

1 replacement parts and equipment, and including equipment
2 purchased for lease, but excluding motor vehicles required to
3 be registered under the Illinois Vehicle Code.

4 (13) Food for human consumption that is to be consumed
5 off the premises where it is sold (other than alcoholic
6 beverages, soft drinks and food that has been prepared for
7 immediate consumption) and prescription and non-prescription
8 medicines, drugs, medical appliances, and insulin, urine
9 testing materials, syringes, and needles used by diabetics,
10 for human use, when purchased for use by a person receiving
11 medical assistance under Article 5 of the Illinois Public Aid
12 Code who resides in a licensed long-term care facility, as
13 defined in the Nursing Home Care Act.

14 (14) Semen used for artificial insemination of livestock
15 for direct agricultural production.

16 (15) Horses, or interests in horses, registered with and
17 meeting the requirements of any of the Arabian Horse Club
18 Registry of America, Appaloosa Horse Club, American Quarter
19 Horse Association, United States Trotting Association, or
20 Jockey Club, as appropriate, used for purposes of breeding or
21 racing for prizes.

22 (16) Computers and communications equipment utilized for
23 any hospital purpose and equipment used in the diagnosis,
24 analysis, or treatment of hospital patients sold to a lessor
25 who leases the equipment, under a lease of one year or longer
26 executed or in effect at the time of the purchase, to a
27 hospital that has been issued an active tax exemption
28 identification number by the Department under Section 1g of
29 the Retailers' Occupation Tax Act.

30 (17) Personal property sold to a lessor who leases the
31 property, under a lease of one year or longer executed or in
32 effect at the time of the purchase, to a governmental body
33 that has been issued an active tax exemption identification
34 number by the Department under Section 1g of the Retailers'

1 Occupation Tax Act.

2 (18) Beginning with taxable years ending on or after
3 December 31, 1995 and ending with taxable years ending on or
4 before December 31, 2004, personal property that is donated
5 for disaster relief to be used in a State or federally
6 declared disaster area in Illinois or bordering Illinois by a
7 manufacturer or retailer that is registered in this State to
8 a corporation, society, association, foundation, or
9 institution that has been issued a sales tax exemption
10 identification number by the Department that assists victims
11 of the disaster who reside within the declared disaster area.

12 (19) Beginning with taxable years ending on or after
13 December 31, 1995 and ending with taxable years ending on or
14 before December 31, 2004, personal property that is used in
15 the performance of infrastructure repairs in this State,
16 including but not limited to municipal roads and streets,
17 access roads, bridges, sidewalks, waste disposal systems,
18 water and sewer line extensions, water distribution and
19 purification facilities, storm water drainage and retention
20 facilities, and sewage treatment facilities, resulting from a
21 State or federally declared disaster in Illinois or bordering
22 Illinois when such repairs are initiated on facilities
23 located in the declared disaster area within 6 months after
24 the disaster.

25 (20) Beginning July 1, 1999, game or game birds sold at
26 a "game breeding and hunting preserve area" or an "exotic
27 game hunting area" as those terms are used in the Wildlife
28 Code or at a hunting enclosure approved through rules adopted
29 by the Department of Natural Resources. This paragraph is
30 exempt from the provisions of Section 3-55.

31 (21) ~~(20)~~ A motor vehicle, as that term is defined in
32 Section 1-146 of the Illinois Vehicle Code, that is donated
33 to a corporation, limited liability company, society,
34 association, foundation, or institution that is determined by

1 the Department to be organized and operated exclusively for
2 educational purposes. For purposes of this exemption, "a
3 corporation, limited liability company, society, association,
4 foundation, or institution organized and operated exclusively
5 for educational purposes" means all tax-supported public
6 schools, private schools that offer systematic instruction in
7 useful branches of learning by methods common to public
8 schools and that compare favorably in their scope and
9 intensity with the course of study presented in tax-supported
10 schools, and vocational or technical schools or institutes
11 organized and operated exclusively to provide a course of
12 study of not less than 6 weeks duration and designed to
13 prepare individuals to follow a trade or to pursue a manual,
14 technical, mechanical, industrial, business, or commercial
15 occupation.

16 (22) ~~(21)~~ Beginning January 1, 2000, personal property,
17 including food, purchased through fundraising events for the
18 benefit of a public or private elementary or secondary
19 school, a group of those schools, or one or more school
20 districts if the events are sponsored by an entity recognized
21 by the school district that consists primarily of volunteers
22 and includes parents and teachers of the school children.
23 This paragraph does not apply to fundraising events (i) for
24 the benefit of private home instruction or (ii) for which the
25 fundraising entity purchases the personal property sold at
26 the events from another individual or entity that sold the
27 property for the purpose of resale by the fundraising entity
28 and that profits from the sale to the fundraising entity.
29 This paragraph is exempt from the provisions of Section 3-55.

30 (23) ~~(20)~~ Beginning January 1, 2000, new or used
31 automatic vending machines that prepare and serve hot food
32 and beverages, including coffee, soup, and other items, and
33 replacement parts for these machines. This paragraph is
34 exempt from the provisions of Section 3-55.

1 (Source: P.A. 90-14, eff. 7-1-97; 90-552, eff. 12-12-97;
2 90-605, eff. 6-30-98; 91-51, eff. 6-30-99; 91-200, eff.
3 7-20-99; 91-439, eff. 8-6-99; 91-533, eff. 8-13-99; 91-637,
4 eff. 8-20-99; 91-644, eff. 8-20-99; revised 9-29-99.)

5 Section 36. The Retailers' Occupation Tax Act is amended
6 by changing Sections 2-5 and 3 as follows:

7 (35 ILCS 120/2-5) (from Ch. 120, par. 441-5)

8 Sec. 2-5. Exemptions. Gross receipts from proceeds from
9 the sale of the following tangible personal property are
10 exempt from the tax imposed by this Act:

11 (1) Farm chemicals.

12 (2) Farm machinery and equipment, both new and used,
13 including that manufactured on special order, certified by
14 the purchaser to be used primarily for production agriculture
15 or State or federal agricultural programs, including
16 individual replacement parts for the machinery and equipment,
17 including machinery and equipment purchased for lease, and
18 including implements of husbandry defined in Section 1-130 of
19 the Illinois Vehicle Code, farm machinery and agricultural
20 chemical and fertilizer spreaders, and nurse wagons required
21 to be registered under Section 3-809 of the Illinois Vehicle
22 Code, but excluding other motor vehicles required to be
23 registered under the Illinois Vehicle Code. Horticultural
24 polyhouses or hoop houses used for propagating, growing, or
25 overwintering plants shall be considered farm machinery and
26 equipment under this item (2). Agricultural chemical tender
27 tanks and dry boxes shall include units sold separately from
28 a motor vehicle required to be licensed and units sold
29 mounted on a motor vehicle required to be licensed, if the
30 selling price of the tender is separately stated.

31 Farm machinery and equipment shall include precision
32 farming equipment that is installed or purchased to be

1 installed on farm machinery and equipment including, but not
2 limited to, tractors, harvesters, sprayers, planters,
3 seeders, or spreaders. Precision farming equipment includes,
4 but is not limited to, soil testing sensors, computers,
5 monitors, software, global positioning and mapping systems,
6 and other such equipment.

7 Farm machinery and equipment also includes computers,
8 sensors, software, and related equipment used primarily in
9 the computer-assisted operation of production agriculture
10 facilities, equipment, and activities such as, but not
11 limited to, the collection, monitoring, and correlation of
12 animal and crop data for the purpose of formulating animal
13 diets and agricultural chemicals. This item (7) is exempt
14 from the provisions of Section 2-70.

15 (3) Distillation machinery and equipment, sold as a unit
16 or kit, assembled or installed by the retailer, certified by
17 the user to be used only for the production of ethyl alcohol
18 that will be used for consumption as motor fuel or as a
19 component of motor fuel for the personal use of the user, and
20 not subject to sale or resale.

21 (4) Graphic arts machinery and equipment, including
22 repair and replacement parts, both new and used, and
23 including that manufactured on special order or purchased for
24 lease, certified by the purchaser to be used primarily for
25 graphic arts production.

26 (5) A motor vehicle of the first division, a motor
27 vehicle of the second division that is a self-contained motor
28 vehicle designed or permanently converted to provide living
29 quarters for recreational, camping, or travel use, with
30 direct walk through access to the living quarters from the
31 driver's seat, or a motor vehicle of the second division that
32 is of the van configuration designed for the transportation
33 of not less than 7 nor more than 16 passengers, as defined in
34 Section 1-146 of the Illinois Vehicle Code, that is used for

1 automobile renting, as defined in the Automobile Renting
2 Occupation and Use Tax Act.

3 (6) Personal property sold by a teacher-sponsored
4 student organization affiliated with an elementary or
5 secondary school located in Illinois.

6 (7) Proceeds of that portion of the selling price of a
7 passenger car the sale of which is subject to the Replacement
8 Vehicle Tax.

9 (8) Personal property sold to an Illinois county fair
10 association for use in conducting, operating, or promoting
11 the county fair.

12 (9) Personal property sold to a not-for-profit arts or
13 cultural organization that establishes, by proof required by
14 the Department by rule, that it has received an exemption
15 under Section 501(c)(3) of the Internal Revenue Code and that
16 is organized and operated for the presentation or support of
17 arts or cultural programming, activities, or services. These
18 organizations include, but are not limited to, music and
19 dramatic arts organizations such as symphony orchestras and
20 theatrical groups, arts and cultural service organizations,
21 local arts councils, visual arts organizations, and media
22 arts organizations.

23 (10) Personal property sold by a corporation, society,
24 association, foundation, institution, or organization, other
25 than a limited liability company, that is organized and
26 operated as a not-for-profit service enterprise for the
27 benefit of persons 65 years of age or older if the personal
28 property was not purchased by the enterprise for the purpose
29 of resale by the enterprise.

30 (11) Personal property sold to a governmental body, to a
31 corporation, society, association, foundation, or institution
32 organized and operated exclusively for charitable, religious,
33 or educational purposes, or to a not-for-profit corporation,
34 society, association, foundation, institution, or

1 organization that has no compensated officers or employees
2 and that is organized and operated primarily for the
3 recreation of persons 55 years of age or older. A limited
4 liability company may qualify for the exemption under this
5 paragraph only if the limited liability company is organized
6 and operated exclusively for educational purposes. On and
7 after July 1, 1987, however, no entity otherwise eligible for
8 this exemption shall make tax-free purchases unless it has an
9 active identification number issued by the Department.

10 (12) Personal property sold to interstate carriers for
11 hire for use as rolling stock moving in interstate commerce
12 or to lessors under leases of one year or longer executed or
13 in effect at the time of purchase by interstate carriers for
14 hire for use as rolling stock moving in interstate commerce
15 and equipment operated by a telecommunications provider,
16 licensed as a common carrier by the Federal Communications
17 Commission, which is permanently installed in or affixed to
18 aircraft moving in interstate commerce.

19 (13) Proceeds from sales to owners, lessors, or shippers
20 of tangible personal property that is utilized by interstate
21 carriers for hire for use as rolling stock moving in
22 interstate commerce and equipment operated by a
23 telecommunications provider, licensed as a common carrier by
24 the Federal Communications Commission, which is permanently
25 installed in or affixed to aircraft moving in interstate
26 commerce.

27 (14) Machinery and equipment that will be used by the
28 purchaser, or a lessee of the purchaser, primarily in the
29 process of manufacturing or assembling tangible personal
30 property for wholesale or retail sale or lease, whether the
31 sale or lease is made directly by the manufacturer or by some
32 other person, whether the materials used in the process are
33 owned by the manufacturer or some other person, or whether
34 the sale or lease is made apart from or as an incident to the

1 seller's engaging in the service occupation of producing
2 machines, tools, dies, jigs, patterns, gauges, or other
3 similar items of no commercial value on special order for a
4 particular purchaser.

5 (15) Proceeds of mandatory service charges separately
6 stated on customers' bills for purchase and consumption of
7 food and beverages, to the extent that the proceeds of the
8 service charge are in fact turned over as tips or as a
9 substitute for tips to the employees who participate directly
10 in preparing, serving, hosting or cleaning up the food or
11 beverage function with respect to which the service charge is
12 imposed.

13 (16) Petroleum products sold to a purchaser if the
14 seller is prohibited by federal law from charging tax to the
15 purchaser.

16 (17) Tangible personal property sold to a common carrier
17 by rail or motor that receives the physical possession of the
18 property in Illinois and that transports the property, or
19 shares with another common carrier in the transportation of
20 the property, out of Illinois on a standard uniform bill of
21 lading showing the seller of the property as the shipper or
22 consignor of the property to a destination outside Illinois,
23 for use outside Illinois.

24 (18) Legal tender, currency, medallions, or gold or
25 silver coinage issued by the State of Illinois, the
26 government of the United States of America, or the government
27 of any foreign country, and bullion.

28 (19) Oil field exploration, drilling, and production
29 equipment, including (i) rigs and parts of rigs, rotary rigs,
30 cable tool rigs, and workover rigs, (ii) pipe and tubular
31 goods, including casing and drill strings, (iii) pumps and
32 pump-jack units, (iv) storage tanks and flow lines, (v) any
33 individual replacement part for oil field exploration,
34 drilling, and production equipment, and (vi) machinery and

1 equipment purchased for lease; but excluding motor vehicles
2 required to be registered under the Illinois Vehicle Code.

3 (20) Photoprocessing machinery and equipment, including
4 repair and replacement parts, both new and used, including
5 that manufactured on special order, certified by the
6 purchaser to be used primarily for photoprocessing, and
7 including photoprocessing machinery and equipment purchased
8 for lease.

9 (21) Coal exploration, mining, offhighway hauling,
10 processing, maintenance, and reclamation equipment, including
11 replacement parts and equipment, and including equipment
12 purchased for lease, but excluding motor vehicles required to
13 be registered under the Illinois Vehicle Code.

14 (22) Fuel and petroleum products sold to or used by an
15 air carrier, certified by the carrier to be used for
16 consumption, shipment, or storage in the conduct of its
17 business as an air common carrier, for a flight destined for
18 or returning from a location or locations outside the United
19 States without regard to previous or subsequent domestic
20 stopovers.

21 (23) A transaction in which the purchase order is
22 received by a florist who is located outside Illinois, but
23 who has a florist located in Illinois deliver the property to
24 the purchaser or the purchaser's donee in Illinois.

25 (24) Fuel consumed or used in the operation of ships,
26 barges, or vessels that are used primarily in or for the
27 transportation of property or the conveyance of persons for
28 hire on rivers bordering on this State if the fuel is
29 delivered by the seller to the purchaser's barge, ship, or
30 vessel while it is afloat upon that bordering river.

31 (25) A motor vehicle sold in this State to a nonresident
32 even though the motor vehicle is delivered to the nonresident
33 in this State, if the motor vehicle is not to be titled in
34 this State, and if a driveaway decal permit is issued to the

1 motor vehicle as provided in Section 3-603 of the Illinois
2 Vehicle Code or if the nonresident purchaser has vehicle
3 registration plates to transfer to the motor vehicle upon
4 returning to his or her home state. The issuance of the
5 driveaway decal permit or having the out-of-state
6 registration plates to be transferred is prima facie evidence
7 that the motor vehicle will not be titled in this State.

8 (26) Semen used for artificial insemination of livestock
9 for direct agricultural production.

10 (27) Horses, or interests in horses, registered with and
11 meeting the requirements of any of the Arabian Horse Club
12 Registry of America, Appaloosa Horse Club, American Quarter
13 Horse Association, United States Trotting Association, or
14 Jockey Club, as appropriate, used for purposes of breeding or
15 racing for prizes.

16 (28) Computers and communications equipment utilized for
17 any hospital purpose and equipment used in the diagnosis,
18 analysis, or treatment of hospital patients sold to a lessor
19 who leases the equipment, under a lease of one year or longer
20 executed or in effect at the time of the purchase, to a
21 hospital that has been issued an active tax exemption
22 identification number by the Department under Section 1g of
23 this Act.

24 (29) Personal property sold to a lessor who leases the
25 property, under a lease of one year or longer executed or in
26 effect at the time of the purchase, to a governmental body
27 that has been issued an active tax exemption identification
28 number by the Department under Section 1g of this Act.

29 (30) Beginning with taxable years ending on or after
30 December 31, 1995 and ending with taxable years ending on or
31 before December 31, 2004, personal property that is donated
32 for disaster relief to be used in a State or federally
33 declared disaster area in Illinois or bordering Illinois by a
34 manufacturer or retailer that is registered in this State to

1 a corporation, society, association, foundation, or
2 institution that has been issued a sales tax exemption
3 identification number by the Department that assists victims
4 of the disaster who reside within the declared disaster area.

5 (31) Beginning with taxable years ending on or after
6 December 31, 1995 and ending with taxable years ending on or
7 before December 31, 2004, personal property that is used in
8 the performance of infrastructure repairs in this State,
9 including but not limited to municipal roads and streets,
10 access roads, bridges, sidewalks, waste disposal systems,
11 water and sewer line extensions, water distribution and
12 purification facilities, storm water drainage and retention
13 facilities, and sewage treatment facilities, resulting from a
14 State or federally declared disaster in Illinois or bordering
15 Illinois when such repairs are initiated on facilities
16 located in the declared disaster area within 6 months after
17 the disaster.

18 (32) Beginning July 1, 1999, game or game birds sold at
19 a "game breeding and hunting preserve area" or an "exotic
20 game hunting area" as those terms are used in the Wildlife
21 Code or at a hunting enclosure approved through rules adopted
22 by the Department of Natural Resources. This paragraph is
23 exempt from the provisions of Section 2-70.

24 (33) ~~(32)~~ A motor vehicle, as that term is defined in
25 Section 1-146 of the Illinois Vehicle Code, that is donated
26 to a corporation, limited liability company, society,
27 association, foundation, or institution that is determined by
28 the Department to be organized and operated exclusively for
29 educational purposes. For purposes of this exemption, "a
30 corporation, limited liability company, society, association,
31 foundation, or institution organized and operated exclusively
32 for educational purposes" means all tax-supported public
33 schools, private schools that offer systematic instruction in
34 useful branches of learning by methods common to public

1 schools and that compare favorably in their scope and
2 intensity with the course of study presented in tax-supported
3 schools, and vocational or technical schools or institutes
4 organized and operated exclusively to provide a course of
5 study of not less than 6 weeks duration and designed to
6 prepare individuals to follow a trade or to pursue a manual,
7 technical, mechanical, industrial, business, or commercial
8 occupation.

9 (34) ~~(33)~~ Beginning January 1, 2000, personal property,
10 including food, purchased through fundraising events for the
11 benefit of a public or private elementary or secondary
12 school, a group of those schools, or one or more school
13 districts if the events are sponsored by an entity recognized
14 by the school district that consists primarily of volunteers
15 and includes parents and teachers of the school children.
16 This paragraph does not apply to fundraising events (i) for
17 the benefit of private home instruction or (ii) for which the
18 fundraising entity purchases the personal property sold at
19 the events from another individual or entity that sold the
20 property for the purpose of resale by the fundraising entity
21 and that profits from the sale to the fundraising entity.
22 This paragraph is exempt from the provisions of Section 2-70.

23 (35) ~~(32)~~ Beginning January 1, 2000, new or used
24 automatic vending machines that prepare and serve hot food
25 and beverages, including coffee, soup, and other items, and
26 replacement parts for these machines. This paragraph is
27 exempt from the provisions of Section 2-70.

28 (Source: P.A. 90-14, eff. 7-1-97; 90-519, eff. 6-1-98;
29 90-552, eff. 12-12-97; 90-605, eff. 6-30-98; 91-51, eff.
30 6-30-99; 91-200, eff. 7-20-99; 91-439, eff. 8-6-99; 91-533,
31 eff. 8-13-99; 91-637, eff. 8-20-99; 91-644, eff. 8-20-99;
32 revised 9-28-99.)

33 (35 ILCS 120/3) (from Ch. 120, par. 442)

1 Sec. 3. Except as provided in this Section, on or before
2 the twentieth day of each calendar month, every person
3 engaged in the business of selling tangible personal property
4 at retail in this State during the preceding calendar month
5 shall file a return with the Department, stating:

6 1. The name of the seller;

7 2. His residence address and the address of his
8 principal place of business and the address of the
9 principal place of business (if that is a different
10 address) from which he engages in the business of selling
11 tangible personal property at retail in this State;

12 3. Total amount of receipts received by him during
13 the preceding calendar month or quarter, as the case may
14 be, from sales of tangible personal property, and from
15 services furnished, by him during such preceding calendar
16 month or quarter;

17 4. Total amount received by him during the
18 preceding calendar month or quarter on charge and time
19 sales of tangible personal property, and from services
20 furnished, by him prior to the month or quarter for which
21 the return is filed;

22 5. Deductions allowed by law;

23 6. Gross receipts which were received by him during
24 the preceding calendar month or quarter and upon the
25 basis of which the tax is imposed;

26 7. The amount of credit provided in Section 2d of
27 this Act;

28 8. The amount of tax due;

29 9. The signature of the taxpayer; and

30 10. Such other reasonable information as the
31 Department may require.

32 If a taxpayer fails to sign a return within 30 days after
33 the proper notice and demand for signature by the Department,
34 the return shall be considered valid and any amount shown to

1 be due on the return shall be deemed assessed.

2 Each return shall be accompanied by the statement of
3 prepaid tax issued pursuant to Section 2e for which credit is
4 claimed.

5 A retailer may accept a Manufacturer's Purchase Credit
6 certification from a purchaser in satisfaction of Use Tax as
7 provided in Section 3-85 of the Use Tax Act if the purchaser
8 provides the appropriate documentation as required by Section
9 3-85 of the Use Tax Act. A Manufacturer's Purchase Credit
10 certification, accepted by a retailer as provided in Section
11 3-85 of the Use Tax Act, may be used by that retailer to
12 satisfy Retailers' Occupation Tax liability in the amount
13 claimed in the certification, not to exceed 6.25% of the
14 receipts subject to tax from a qualifying purchase.

15 The Department may require returns to be filed on a
16 quarterly basis. If so required, a return for each calendar
17 quarter shall be filed on or before the twentieth day of the
18 calendar month following the end of such calendar quarter.
19 The taxpayer shall also file a return with the Department for
20 each of the first two months of each calendar quarter, on or
21 before the twentieth day of the following calendar month,
22 stating:

- 23 1. The name of the seller;
- 24 2. The address of the principal place of business
25 from which he engages in the business of selling tangible
26 personal property at retail in this State;
- 27 3. The total amount of taxable receipts received by
28 him during the preceding calendar month from sales of
29 tangible personal property by him during such preceding
30 calendar month, including receipts from charge and time
31 sales, but less all deductions allowed by law;
- 32 4. The amount of credit provided in Section 2d of
33 this Act;
- 34 5. The amount of tax due; and

1 6. Such other reasonable information as the
2 Department may require.

3 If a total amount of less than \$1 is payable, refundable
4 or creditable, such amount shall be disregarded if it is less
5 than 50 cents and shall be increased to \$1 if it is 50 cents
6 or more.

7 Beginning October 1, 1993, a taxpayer who has an average
8 monthly tax liability of \$150,000 or more shall make all
9 payments required by rules of the Department by electronic
10 funds transfer. Beginning October 1, 1994, a taxpayer who
11 has an average monthly tax liability of \$100,000 or more
12 shall make all payments required by rules of the Department
13 by electronic funds transfer. Beginning October 1, 1995, a
14 taxpayer who has an average monthly tax liability of \$50,000
15 or more shall make all payments required by rules of the
16 Department by electronic funds transfer. Beginning October
17 1, 2000, a taxpayer who has an annual tax liability of
18 \$200,000 or more shall make all payments required by rules of
19 the Department by electronic funds transfer. The term
20 "annual tax liability" shall be the sum of the taxpayer's
21 liabilities under this Act, and under all other State and
22 local occupation and use tax laws administered by the
23 Department, for the immediately preceding calendar year. The
24 term "average monthly tax liability" shall be the sum of the
25 taxpayer's liabilities under this Act, and under all other
26 State and local occupation and use tax laws administered by
27 the Department, for the immediately preceding calendar year
28 divided by 12.

29 Before August 1 of each year beginning in 1993, the
30 Department shall notify all taxpayers required to make
31 payments by electronic funds transfer. All taxpayers
32 required to make payments by electronic funds transfer shall
33 make those payments for a minimum of one year beginning on
34 October 1.

1 Any taxpayer not required to make payments by electronic
2 funds transfer may make payments by electronic funds transfer
3 with the permission of the Department.

4 All taxpayers required to make payment by electronic
5 funds transfer and any taxpayers authorized to voluntarily
6 make payments by electronic funds transfer shall make those
7 payments in the manner authorized by the Department.

8 The Department shall adopt such rules as are necessary to
9 effectuate a program of electronic funds transfer and the
10 requirements of this Section.

11 Any amount which is required to be shown or reported on
12 any return or other document under this Act shall, if such
13 amount is not a whole-dollar amount, be increased to the
14 nearest whole-dollar amount in any case where the fractional
15 part of a dollar is 50 cents or more, and decreased to the
16 nearest whole-dollar amount where the fractional part of a
17 dollar is less than 50 cents.

18 If the retailer is otherwise required to file a monthly
19 return and if the retailer's average monthly tax liability to
20 the Department does not exceed \$200, the Department may
21 authorize his returns to be filed on a quarter annual basis,
22 with the return for January, February and March of a given
23 year being due by April 20 of such year; with the return for
24 April, May and June of a given year being due by July 20 of
25 such year; with the return for July, August and September of
26 a given year being due by October 20 of such year, and with
27 the return for October, November and December of a given year
28 being due by January 20 of the following year.

29 If the retailer is otherwise required to file a monthly
30 or quarterly return and if the retailer's average monthly tax
31 liability with the Department does not exceed \$50, the
32 Department may authorize his returns to be filed on an annual
33 basis, with the return for a given year being due by January
34 20 of the following year.

1 Such quarter annual and annual returns, as to form and
2 substance, shall be subject to the same requirements as
3 monthly returns.

4 Notwithstanding any other provision in this Act
5 concerning the time within which a retailer may file his
6 return, in the case of any retailer who ceases to engage in a
7 kind of business which makes him responsible for filing
8 returns under this Act, such retailer shall file a final
9 return under this Act with the Department not more than one
10 month after discontinuing such business.

11 Where the same person has more than one business
12 registered with the Department under separate registrations
13 under this Act, such person may not file each return that is
14 due as a single return covering all such registered
15 businesses, but shall file separate returns for each such
16 registered business.

17 In addition, with respect to motor vehicles, watercraft,
18 aircraft, and trailers that are required to be registered
19 with an agency of this State, every retailer selling this
20 kind of tangible personal property shall file, with the
21 Department, upon a form to be prescribed and supplied by the
22 Department, a separate return for each such item of tangible
23 personal property which the retailer sells, except that if,
24 in the same transaction, (i) a retailer of aircraft,
25 watercraft, motor vehicles or trailers transfers more than
26 one aircraft, watercraft, motor vehicle or trailer to another
27 aircraft, watercraft, motor vehicle retailer or trailer
28 retailer for the purpose of resale or (ii) a retailer of
29 aircraft, watercraft, motor vehicles, or trailers transfers
30 more than one aircraft, watercraft, motor vehicle, or trailer
31 to a purchaser for use as a qualifying rolling stock as
32 provided in Section 2-5 of this Act, then that seller may
33 report the transfer of all aircraft, watercraft, motor
34 vehicles or trailers involved in that transaction to the

1 Department on the same uniform invoice-transaction reporting
2 return form. For purposes of this Section, "watercraft"
3 means a Class 2, Class 3, or Class 4 watercraft as defined in
4 Section 3-2 of the Boat Registration and Safety Act, a
5 personal watercraft, or any boat equipped with an inboard
6 motor.

7 Any retailer who sells only motor vehicles, watercraft,
8 aircraft, or trailers that are required to be registered with
9 an agency of this State, so that all retailers' occupation
10 tax liability is required to be reported, and is reported, on
11 such transaction reporting returns and who is not otherwise
12 required to file monthly or quarterly returns, need not file
13 monthly or quarterly returns. However, those retailers shall
14 be required to file returns on an annual basis.

15 The transaction reporting return, in the case of motor
16 vehicles or trailers that are required to be registered with
17 an agency of this State, shall be the same document as the
18 Uniform Invoice referred to in Section 5-402 of The Illinois
19 Vehicle Code and must show the name and address of the
20 seller; the name and address of the purchaser; the amount of
21 the selling price including the amount allowed by the
22 retailer for traded-in property, if any; the amount allowed
23 by the retailer for the traded-in tangible personal property,
24 if any, to the extent to which Section 1 of this Act allows
25 an exemption for the value of traded-in property; the balance
26 payable after deducting such trade-in allowance from the
27 total selling price; the amount of tax due from the retailer
28 with respect to such transaction; the amount of tax collected
29 from the purchaser by the retailer on such transaction (or
30 satisfactory evidence that such tax is not due in that
31 particular instance, if that is claimed to be the fact); the
32 place and date of the sale; a sufficient identification of
33 the property sold; such other information as is required in
34 Section 5-402 of The Illinois Vehicle Code, and such other

1 information as the Department may reasonably require.

2 The transaction reporting return in the case of
3 watercraft or aircraft must show the name and address of the
4 seller; the name and address of the purchaser; the amount of
5 the selling price including the amount allowed by the
6 retailer for traded-in property, if any; the amount allowed
7 by the retailer for the traded-in tangible personal property,
8 if any, to the extent to which Section 1 of this Act allows
9 an exemption for the value of traded-in property; the balance
10 payable after deducting such trade-in allowance from the
11 total selling price; the amount of tax due from the retailer
12 with respect to such transaction; the amount of tax collected
13 from the purchaser by the retailer on such transaction (or
14 satisfactory evidence that such tax is not due in that
15 particular instance, if that is claimed to be the fact); the
16 place and date of the sale, a sufficient identification of
17 the property sold, and such other information as the
18 Department may reasonably require.

19 Such transaction reporting return shall be filed not
20 later than 20 days after the day of delivery of the item that
21 is being sold, but may be filed by the retailer at any time
22 sooner than that if he chooses to do so. The transaction
23 reporting return and tax remittance or proof of exemption
24 from the Illinois use tax may be transmitted to the
25 Department by way of the State agency with which, or State
26 officer with whom the tangible personal property must be
27 titled or registered (if titling or registration is required)
28 if the Department and such agency or State officer determine
29 that this procedure will expedite the processing of
30 applications for title or registration.

31 With each such transaction reporting return, the retailer
32 shall remit the proper amount of tax due (or shall submit
33 satisfactory evidence that the sale is not taxable if that is
34 the case), to the Department or its agents, whereupon the

1 Department shall issue, in the purchaser's name, a use tax
2 receipt (or a certificate of exemption if the Department is
3 satisfied that the particular sale is tax exempt) which such
4 purchaser may submit to the agency with which, or State
5 officer with whom, he must title or register the tangible
6 personal property that is involved (if titling or
7 registration is required) in support of such purchaser's
8 application for an Illinois certificate or other evidence of
9 title or registration to such tangible personal property.

10 No retailer's failure or refusal to remit tax under this
11 Act precludes a user, who has paid the proper tax to the
12 retailer, from obtaining his certificate of title or other
13 evidence of title or registration (if titling or registration
14 is required) upon satisfying the Department that such user
15 has paid the proper tax (if tax is due) to the retailer. The
16 Department shall adopt appropriate rules to carry out the
17 mandate of this paragraph.

18 If the user who would otherwise pay tax to the retailer
19 wants the transaction reporting return filed and the payment
20 of the tax or proof of exemption made to the Department
21 before the retailer is willing to take these actions and such
22 user has not paid the tax to the retailer, such user may
23 certify to the fact of such delay by the retailer and may
24 (upon the Department being satisfied of the truth of such
25 certification) transmit the information required by the
26 transaction reporting return and the remittance for tax or
27 proof of exemption directly to the Department and obtain his
28 tax receipt or exemption determination, in which event the
29 transaction reporting return and tax remittance (if a tax
30 payment was required) shall be credited by the Department to
31 the proper retailer's account with the Department, but
32 without the 2.1% or 1.75% discount provided for in this
33 Section being allowed. When the user pays the tax directly
34 to the Department, he shall pay the tax in the same amount

1 and in the same form in which it would be remitted if the tax
2 had been remitted to the Department by the retailer.

3 Refunds made by the seller during the preceding return
4 period to purchasers, on account of tangible personal
5 property returned to the seller, shall be allowed as a
6 deduction under subdivision 5 of his monthly or quarterly
7 return, as the case may be, in case the seller had
8 theretofore included the receipts from the sale of such
9 tangible personal property in a return filed by him and had
10 paid the tax imposed by this Act with respect to such
11 receipts.

12 Where the seller is a corporation, the return filed on
13 behalf of such corporation shall be signed by the president,
14 vice-president, secretary or treasurer or by the properly
15 accredited agent of such corporation.

16 Where the seller is a limited liability company, the
17 return filed on behalf of the limited liability company shall
18 be signed by a manager, member, or properly accredited agent
19 of the limited liability company.

20 Except as provided in this Section, the retailer filing
21 the return under this Section shall, at the time of filing
22 such return, pay to the Department the amount of tax imposed
23 by this Act less a discount of 2.1% prior to January 1, 1990
24 and 1.75% on and after January 1, 1990, or \$5 per calendar
25 year, whichever is greater, which is allowed to reimburse the
26 retailer for the expenses incurred in keeping records,
27 preparing and filing returns, remitting the tax and supplying
28 data to the Department on request. Any prepayment made
29 pursuant to Section 2d of this Act shall be included in the
30 amount on which such 2.1% or 1.75% discount is computed. In
31 the case of retailers who report and pay the tax on a
32 transaction by transaction basis, as provided in this
33 Section, such discount shall be taken with each such tax
34 remittance instead of when such retailer files his periodic

1 return.

2 Before October 1, 2000, if the taxpayer's average monthly
3 tax liability to the Department under this Act, the Use Tax
4 Act, the Service Occupation Tax Act, and the Service Use Tax
5 Act, excluding any liability for prepaid sales tax to be
6 remitted in accordance with Section 2d of this Act, was
7 \$10,000 or more during the preceding 4 complete calendar
8 quarters, he shall file a return with the Department each
9 month by the 20th day of the month next following the month
10 during which such tax liability is incurred and shall make
11 payments to the Department on or before the 7th, 15th, 22nd
12 and last day of the month during which such liability is
13 incurred. On and after October 1, 2000, if the taxpayer's
14 average monthly tax liability to the Department under this
15 Act, the Use Tax Act, the Service Occupation Tax Act, and the
16 Service Use Tax Act, excluding any liability for prepaid
17 sales tax to be remitted in accordance with Section 2d of
18 this Act, was \$20,000 or more during the preceding 4 complete
19 calendar quarters, he shall file a return with the Department
20 each month by the 20th day of the month next following the
21 month during which such tax liability is incurred and shall
22 make payment to the Department on or before the 7th, 15th,
23 22nd and last day of the month during which such liability is
24 incurred. If the month during which such tax liability is
25 incurred began prior to January 1, 1985, each payment shall
26 be in an amount equal to 1/4 of the taxpayer's actual
27 liability for the month or an amount set by the Department
28 not to exceed 1/4 of the average monthly liability of the
29 taxpayer to the Department for the preceding 4 complete
30 calendar quarters (excluding the month of highest liability
31 and the month of lowest liability in such 4 quarter period).
32 If the month during which such tax liability is incurred
33 begins on or after January 1, 1985 and prior to January 1,
34 1987, each payment shall be in an amount equal to 22.5% of

1 the taxpayer's actual liability for the month or 27.5% of the
2 taxpayer's liability for the same calendar month of the
3 preceding year. If the month during which such tax liability
4 is incurred begins on or after January 1, 1987 and prior to
5 January 1, 1988, each payment shall be in an amount equal to
6 22.5% of the taxpayer's actual liability for the month or
7 26.25% of the taxpayer's liability for the same calendar
8 month of the preceding year. If the month during which such
9 tax liability is incurred begins on or after January 1, 1988,
10 and prior to January 1, 1989, or begins on or after January
11 1, 1996, each payment shall be in an amount equal to 22.5% of
12 the taxpayer's actual liability for the month or 25% of the
13 taxpayer's liability for the same calendar month of the
14 preceding year. If the month during which such tax liability
15 is incurred begins on or after January 1, 1989, and prior to
16 January 1, 1996, each payment shall be in an amount equal to
17 22.5% of the taxpayer's actual liability for the month or 25%
18 of the taxpayer's liability for the same calendar month of
19 the preceding year or 100% of the taxpayer's actual liability
20 for the quarter monthly reporting period. The amount of such
21 quarter monthly payments shall be credited against the final
22 tax liability of the taxpayer's return for that month.
23 Before October 1, 2000, once applicable, the requirement of
24 the making of quarter monthly payments to the Department by
25 taxpayers having an average monthly tax liability of \$10,000
26 or more as determined in the manner provided above shall
27 continue until such taxpayer's average monthly liability to
28 the Department during the preceding 4 complete calendar
29 quarters (excluding the month of highest liability and the
30 month of lowest liability) is less than \$9,000, or until such
31 taxpayer's average monthly liability to the Department as
32 computed for each calendar quarter of the 4 preceding
33 complete calendar quarter period is less than \$10,000.
34 However, if a taxpayer can show the Department that a

1 substantial change in the taxpayer's business has occurred
2 which causes the taxpayer to anticipate that his average
3 monthly tax liability for the reasonably foreseeable future
4 will fall below the \$10,000 threshold stated above, then such
5 taxpayer may petition the Department for a change in such
6 taxpayer's reporting status. On and after October 1, 2000,
7 once applicable, the requirement of the making of quarter
8 monthly payments to the Department by taxpayers having an
9 average monthly tax liability of \$20,000 or more as
10 determined in the manner provided above shall continue until
11 such taxpayer's average monthly liability to the Department
12 during the preceding 4 complete calendar quarters (excluding
13 the month of highest liability and the month of lowest
14 liability) is less than \$19,000 or until such taxpayer's
15 average monthly liability to the Department as computed for
16 each calendar quarter of the 4 preceding complete calendar
17 quarter period is less than \$20,000. However, if a taxpayer
18 can show the Department that a substantial change in the
19 taxpayer's business has occurred which causes the taxpayer to
20 anticipate that his average monthly tax liability for the
21 reasonably foreseeable future will fall below the \$20,000
22 threshold stated above, then such taxpayer may petition the
23 Department for a change in such taxpayer's reporting status.
24 The Department shall change such taxpayer's reporting status
25 unless it finds that such change is seasonal in nature and
26 not likely to be long term. If any such quarter monthly
27 payment is not paid at the time or in the amount required by
28 this Section, then the taxpayer shall be liable for penalties
29 and interest on the difference between the minimum amount due
30 as a payment and the amount of such quarter monthly payment
31 actually and timely paid, except insofar as the taxpayer has
32 previously made payments for that month to the Department in
33 excess of the minimum payments previously due as provided in
34 this Section. The Department shall make reasonable rules and

1 regulations to govern the quarter monthly payment amount and
2 quarter monthly payment dates for taxpayers who file on other
3 than a calendar monthly basis.

4 Without regard to whether a taxpayer is required to make
5 quarter monthly payments as specified above, any taxpayer who
6 is required by Section 2d of this Act to collect and remit
7 prepaid taxes and has collected prepaid taxes which average
8 in excess of \$25,000 per month during the preceding 2
9 complete calendar quarters, shall file a return with the
10 Department as required by Section 2f and shall make payments
11 to the Department on or before the 7th, 15th, 22nd and last
12 day of the month during which such liability is incurred. If
13 the month during which such tax liability is incurred began
14 prior to the effective date of this amendatory Act of 1985,
15 each payment shall be in an amount not less than 22.5% of the
16 taxpayer's actual liability under Section 2d. If the month
17 during which such tax liability is incurred begins on or
18 after January 1, 1986, each payment shall be in an amount
19 equal to 22.5% of the taxpayer's actual liability for the
20 month or 27.5% of the taxpayer's liability for the same
21 calendar month of the preceding calendar year. If the month
22 during which such tax liability is incurred begins on or
23 after January 1, 1987, each payment shall be in an amount
24 equal to 22.5% of the taxpayer's actual liability for the
25 month or 26.25% of the taxpayer's liability for the same
26 calendar month of the preceding year. The amount of such
27 quarter monthly payments shall be credited against the final
28 tax liability of the taxpayer's return for that month filed
29 under this Section or Section 2f, as the case may be. Once
30 applicable, the requirement of the making of quarter monthly
31 payments to the Department pursuant to this paragraph shall
32 continue until such taxpayer's average monthly prepaid tax
33 collections during the preceding 2 complete calendar quarters
34 is \$25,000 or less. If any such quarter monthly payment is

1 not paid at the time or in the amount required, the taxpayer
2 shall be liable for penalties and interest on such
3 difference, except insofar as the taxpayer has previously
4 made payments for that month in excess of the minimum
5 payments previously due.

6 If any payment provided for in this Section exceeds the
7 taxpayer's liabilities under this Act, the Use Tax Act, the
8 Service Occupation Tax Act and the Service Use Tax Act, as
9 shown on an original monthly return, the Department shall, if
10 requested by the taxpayer, issue to the taxpayer a credit
11 memorandum no later than 30 days after the date of payment.
12 The credit evidenced by such credit memorandum may be
13 assigned by the taxpayer to a similar taxpayer under this
14 Act, the Use Tax Act, the Service Occupation Tax Act or the
15 Service Use Tax Act, in accordance with reasonable rules and
16 regulations to be prescribed by the Department. If no such
17 request is made, the taxpayer may credit such excess payment
18 against tax liability subsequently to be remitted to the
19 Department under this Act, the Use Tax Act, the Service
20 Occupation Tax Act or the Service Use Tax Act, in accordance
21 with reasonable rules and regulations prescribed by the
22 Department. If the Department subsequently determined that
23 all or any part of the credit taken was not actually due to
24 the taxpayer, the taxpayer's 2.1% and 1.75% vendor's discount
25 shall be reduced by 2.1% or 1.75% of the difference between
26 the credit taken and that actually due, and that taxpayer
27 shall be liable for penalties and interest on such
28 difference.

29 If a retailer of motor fuel is entitled to a credit under
30 Section 2d of this Act which exceeds the taxpayer's liability
31 to the Department under this Act for the month which the
32 taxpayer is filing a return, the Department shall issue the
33 taxpayer a credit memorandum for the excess.

34 Beginning January 1, 1990, each month the Department

1 shall pay into the Local Government Tax Fund, a special fund
2 in the State treasury which is hereby created, the net
3 revenue realized for the preceding month from the 1% tax on
4 sales of food for human consumption which is to be consumed
5 off the premises where it is sold (other than alcoholic
6 beverages, soft drinks and food which has been prepared for
7 immediate consumption) and prescription and nonprescription
8 medicines, drugs, medical appliances and insulin, urine
9 testing materials, syringes and needles used by diabetics.

10 Beginning January 1, 1990, each month the Department
11 shall pay into the County and Mass Transit District Fund, a
12 special fund in the State treasury which is hereby created,
13 4% of the net revenue realized for the preceding month from
14 the 6.25% general rate.

15 Beginning August 1, 2000, each month the Department shall
16 pay into the County and Mass Transit District Fund 20% of the
17 net revenue realized for the preceding month from the 1.25%
18 rate on the selling price of motor fuel and gasohol.

19 Beginning January 1, 1990, each month the Department
20 shall pay into the Local Government Tax Fund 16% of the net
21 revenue realized for the preceding month from the 6.25%
22 general rate on the selling price of tangible personal
23 property.

24 Beginning August 1, 2000, each month the Department shall
25 pay into the Local Government Tax Fund 80% of the net revenue
26 realized for the preceding month from the 1.25% rate on the
27 selling price of motor fuel and gasohol.

28 Of the remainder of the moneys received by the Department
29 pursuant to this Act, (a) 1.75% thereof shall be paid into
30 the Build Illinois Fund and (b) prior to July 1, 1989, 2.2%
31 and on and after July 1, 1989, 3.8% thereof shall be paid
32 into the Build Illinois Fund; provided, however, that if in
33 any fiscal year the sum of (1) the aggregate of 2.2% or 3.8%,
34 as the case may be, of the moneys received by the Department

1 and required to be paid into the Build Illinois Fund pursuant
 2 to this Act, Section 9 of the Use Tax Act, Section 9 of the
 3 Service Use Tax Act, and Section 9 of the Service Occupation
 4 Tax Act, such Acts being hereinafter called the "Tax Acts"
 5 and such aggregate of 2.2% or 3.8%, as the case may be, of
 6 moneys being hereinafter called the "Tax Act Amount", and (2)
 7 the amount transferred to the Build Illinois Fund from the
 8 State and Local Sales Tax Reform Fund shall be less than the
 9 Annual Specified Amount (as hereinafter defined), an amount
 10 equal to the difference shall be immediately paid into the
 11 Build Illinois Fund from other moneys received by the
 12 Department pursuant to the Tax Acts; the "Annual Specified
 13 Amount" means the amounts specified below for fiscal years
 14 1986 through 1993:

Fiscal Year	Annual Specified Amount
1986	\$54,800,000
1987	\$76,650,000
1988	\$80,480,000
1989	\$88,510,000
1990	\$115,330,000
1991	\$145,470,000
1992	\$182,730,000
1993	\$206,520,000;

24 and means the Certified Annual Debt Service Requirement (as
 25 defined in Section 13 of the Build Illinois Bond Act) or the
 26 Tax Act Amount, whichever is greater, for fiscal year 1994
 27 and each fiscal year thereafter; and further provided, that
 28 if on the last business day of any month the sum of (1) the
 29 Tax Act Amount required to be deposited into the Build
 30 Illinois Bond Account in the Build Illinois Fund during such
 31 month and (2) the amount transferred to the Build Illinois
 32 Fund from the State and Local Sales Tax Reform Fund shall
 33 have been less than 1/12 of the Annual Specified Amount, an
 34 amount equal to the difference shall be immediately paid into

1 the Build Illinois Fund from other moneys received by the
2 Department pursuant to the Tax Acts; and, further provided,
3 that in no event shall the payments required under the
4 preceding proviso result in aggregate payments into the Build
5 Illinois Fund pursuant to this clause (b) for any fiscal year
6 in excess of the greater of (i) the Tax Act Amount or (ii)
7 the Annual Specified Amount for such fiscal year. The
8 amounts payable into the Build Illinois Fund under clause (b)
9 of the first sentence in this paragraph shall be payable only
10 until such time as the aggregate amount on deposit under each
11 trust indenture securing Bonds issued and outstanding
12 pursuant to the Build Illinois Bond Act is sufficient, taking
13 into account any future investment income, to fully provide,
14 in accordance with such indenture, for the defeasance of or
15 the payment of the principal of, premium, if any, and
16 interest on the Bonds secured by such indenture and on any
17 Bonds expected to be issued thereafter and all fees and costs
18 payable with respect thereto, all as certified by the
19 Director of the Bureau of the Budget. If on the last
20 business day of any month in which Bonds are outstanding
21 pursuant to the Build Illinois Bond Act, the aggregate of
22 moneys deposited in the Build Illinois Bond Account in the
23 Build Illinois Fund in such month shall be less than the
24 amount required to be transferred in such month from the
25 Build Illinois Bond Account to the Build Illinois Bond
26 Retirement and Interest Fund pursuant to Section 13 of the
27 Build Illinois Bond Act, an amount equal to such deficiency
28 shall be immediately paid from other moneys received by the
29 Department pursuant to the Tax Acts to the Build Illinois
30 Fund; provided, however, that any amounts paid to the Build
31 Illinois Fund in any fiscal year pursuant to this sentence
32 shall be deemed to constitute payments pursuant to clause (b)
33 of the first sentence of this paragraph and shall reduce the
34 amount otherwise payable for such fiscal year pursuant to

1 that clause (b). The moneys received by the Department
 2 pursuant to this Act and required to be deposited into the
 3 Build Illinois Fund are subject to the pledge, claim and
 4 charge set forth in Section 12 of the Build Illinois Bond
 5 Act.

6 Subject to payment of amounts into the Build Illinois
 7 Fund as provided in the preceding paragraph or in any
 8 amendment thereto hereafter enacted, the following specified
 9 monthly installment of the amount requested in the
 10 certificate of the Chairman of the Metropolitan Pier and
 11 Exposition Authority provided under Section 8.25f of the
 12 State Finance Act, but not in excess of sums designated as
 13 "Total Deposit", shall be deposited in the aggregate from
 14 collections under Section 9 of the Use Tax Act, Section 9 of
 15 the Service Use Tax Act, Section 9 of the Service Occupation
 16 Tax Act, and Section 3 of the Retailers' Occupation Tax Act
 17 into the McCormick Place Expansion Project Fund in the
 18 specified fiscal years.

19	Fiscal Year	Total Deposit
20	1993	\$0
21	1994	53,000,000
22	1995	58,000,000
23	1996	61,000,000
24	1997	64,000,000
25	1998	68,000,000
26	1999	71,000,000
27	2000	75,000,000
28	2001	80,000,000
29	2002	84,000,000
30	2003	89,000,000
31	2004	93,000,000
32	2005	97,000,000
33	2006	102,000,000
34	2007	108,000,000

1	2008	115,000,000
2	2009	120,000,000
3	2010	126,000,000
4	2011	132,000,000
5	2012	138,000,000
6	2013 and	145,000,000

7 each fiscal year
 8 thereafter that bonds
 9 are outstanding under
 10 Section 13.2 of the
 11 Metropolitan Pier and
 12 Exposition Authority
 13 Act, but not after fiscal year 2029.

14 Beginning July 20, 1993 and in each month of each fiscal
 15 year thereafter, one-eighth of the amount requested in the
 16 certificate of the Chairman of the Metropolitan Pier and
 17 Exposition Authority for that fiscal year, less the amount
 18 deposited into the McCormick Place Expansion Project Fund by
 19 the State Treasurer in the respective month under subsection
 20 (g) of Section 13 of the Metropolitan Pier and Exposition
 21 Authority Act, plus cumulative deficiencies in the deposits
 22 required under this Section for previous months and years,
 23 shall be deposited into the McCormick Place Expansion Project
 24 Fund, until the full amount requested for the fiscal year,
 25 but not in excess of the amount specified above as "Total
 26 Deposit", has been deposited.

27 Subject to payment of amounts into the Build Illinois
 28 Fund and the McCormick Place Expansion Project Fund pursuant
 29 to the preceding paragraphs or in any amendment thereto
 30 hereafter enacted, each month the Department shall pay into
 31 the Local Government Distributive Fund 0.4% of the net
 32 revenue realized for the preceding month from the 5% general
 33 rate or 0.4% of 80% of the net revenue realized for the
 34 preceding month from the 6.25% general rate, as the case may

1 be, on the selling price of tangible personal property which
2 amount shall, subject to appropriation, be distributed as
3 provided in Section 2 of the State Revenue Sharing Act. No
4 payments or distributions pursuant to this paragraph shall be
5 made if the tax imposed by this Act on photoprocessing
6 products is declared unconstitutional, or if the proceeds
7 from such tax are unavailable for distribution because of
8 litigation.

9 Subject to payment of amounts into the Build Illinois
10 Fund, the McCormick Place Expansion Project Fund, and the
11 Local Government Distributive Fund pursuant to the preceding
12 paragraphs or in any amendments thereto hereafter enacted,
13 beginning July 1, 1993, the Department shall each month pay
14 into the Illinois Tax Increment Fund 0.27% of 80% of the net
15 revenue realized for the preceding month from the 6.25%
16 general rate on the selling price of tangible personal
17 property.

18 Of the remainder of the moneys received by the Department
19 pursuant to this Act, 75% thereof shall be paid into the
20 State Treasury and 25% shall be reserved in a special account
21 and used only for the transfer to the Common School Fund as
22 part of the monthly transfer from the General Revenue Fund in
23 accordance with Section 8a of the State Finance Act.

24 The Department may, upon separate written notice to a
25 taxpayer, require the taxpayer to prepare and file with the
26 Department on a form prescribed by the Department within not
27 less than 60 days after receipt of the notice an annual
28 information return for the tax year specified in the notice.
29 Such annual return to the Department shall include a
30 statement of gross receipts as shown by the retailer's last
31 Federal income tax return. If the total receipts of the
32 business as reported in the Federal income tax return do not
33 agree with the gross receipts reported to the Department of
34 Revenue for the same period, the retailer shall attach to his

1 annual return a schedule showing a reconciliation of the 2
2 amounts and the reasons for the difference. The retailer's
3 annual return to the Department shall also disclose the cost
4 of goods sold by the retailer during the year covered by such
5 return, opening and closing inventories of such goods for
6 such year, costs of goods used from stock or taken from stock
7 and given away by the retailer during such year, payroll
8 information of the retailer's business during such year and
9 any additional reasonable information which the Department
10 deems would be helpful in determining the accuracy of the
11 monthly, quarterly or annual returns filed by such retailer
12 as provided for in this Section.

13 If the annual information return required by this Section
14 is not filed when and as required, the taxpayer shall be
15 liable as follows:

16 (i) Until January 1, 1994, the taxpayer shall be
17 liable for a penalty equal to 1/6 of 1% of the tax due
18 from such taxpayer under this Act during the period to be
19 covered by the annual return for each month or fraction
20 of a month until such return is filed as required, the
21 penalty to be assessed and collected in the same manner
22 as any other penalty provided for in this Act.

23 (ii) On and after January 1, 1994, the taxpayer
24 shall be liable for a penalty as described in Section 3-4
25 of the Uniform Penalty and Interest Act.

26 The chief executive officer, proprietor, owner or highest
27 ranking manager shall sign the annual return to certify the
28 accuracy of the information contained therein. Any person
29 who willfully signs the annual return containing false or
30 inaccurate information shall be guilty of perjury and
31 punished accordingly. The annual return form prescribed by
32 the Department shall include a warning that the person
33 signing the return may be liable for perjury.

34 The provisions of this Section concerning the filing of

1 an annual information return do not apply to a retailer who
2 is not required to file an income tax return with the United
3 States Government.

4 As soon as possible after the first day of each month,
5 upon certification of the Department of Revenue, the
6 Comptroller shall order transferred and the Treasurer shall
7 transfer from the General Revenue Fund to the Motor Fuel Tax
8 Fund an amount equal to 1.7% of 80% of the net revenue
9 realized under this Act for the second preceding month.
10 Beginning April 1, 2000, this transfer is no longer required
11 and shall not be made.

12 Net revenue realized for a month shall be the revenue
13 collected by the State pursuant to this Act, less the amount
14 paid out during that month as refunds to taxpayers for
15 overpayment of liability.

16 For greater simplicity of administration, manufacturers,
17 importers and wholesalers whose products are sold at retail
18 in Illinois by numerous retailers, and who wish to do so, may
19 assume the responsibility for accounting and paying to the
20 Department all tax accruing under this Act with respect to
21 such sales, if the retailers who are affected do not make
22 written objection to the Department to this arrangement.

23 Any person who promotes, organizes, provides retail
24 selling space for concessionaires or other types of sellers
25 at the Illinois State Fair, DuQuoin State Fair, county fairs,
26 local fairs, art shows, flea markets and similar exhibitions
27 or events, including any transient merchant as defined by
28 Section 2 of the Transient Merchant Act of 1987, is required
29 to file a report with the Department providing the name of
30 the merchant's business, the name of the person or persons
31 engaged in merchant's business, the permanent address and
32 Illinois Retailers Occupation Tax Registration Number of the
33 merchant, the dates and location of the event and other
34 reasonable information that the Department may require. The

1 report must be filed not later than the 20th day of the month
2 next following the month during which the event with retail
3 sales was held. Any person who fails to file a report
4 required by this Section commits a business offense and is
5 subject to a fine not to exceed \$250.

6 Any person engaged in the business of selling tangible
7 personal property at retail as a concessionaire or other type
8 of seller at the Illinois State Fair, county fairs, art
9 shows, flea markets and similar exhibitions or events, or any
10 transient merchants, as defined by Section 2 of the Transient
11 Merchant Act of 1987, may be required to make a daily report
12 of the amount of such sales to the Department and to make a
13 daily payment of the full amount of tax due. The Department
14 shall impose this requirement when it finds that there is a
15 significant risk of loss of revenue to the State at such an
16 exhibition or event. Such a finding shall be based on
17 evidence that a substantial number of concessionaires or
18 other sellers who are not residents of Illinois will be
19 engaging in the business of selling tangible personal
20 property at retail at the exhibition or event, or other
21 evidence of a significant risk of loss of revenue to the
22 State. The Department shall notify concessionaires and other
23 sellers affected by the imposition of this requirement. In
24 the absence of notification by the Department, the
25 concessionaires and other sellers shall file their returns as
26 otherwise required in this Section.

27 (Source: P.A. 90-491, eff. 1-1-99; 90-612, eff. 7-8-98;
28 91-37, eff. 7-1-99; 91-51, eff. 6-30-99; 91-101, eff.
29 7-12-99; 91-541, eff. 8-13-99; 91-872, eff. 7-1-00; 91-901,
30 eff. 1-1-01; revised 1-15-01.)

31 Section 37. The Hotel Operators' Occupation Tax Act is
32 amended by changing Section 6 as follows:

1 (35 ILCS 145/6) (from Ch. 120, par. 481b.36)

2 (Text of Section before amendment by P.A. 91-935)

3 Sec. 6. Except as provided hereinafter in this Section,
4 on or before the last day of each calendar month, every
5 person engaged in the business of renting, leasing or letting
6 rooms in a hotel in this State during the preceding calendar
7 month shall file a return with the Department, stating:

8 1. The name of the operator;

9 2. His residence address and the address of his
10 principal place of business and the address of the
11 principal place of business (if that is a different
12 address) from which he engages in the business of
13 renting, leasing or letting rooms in a hotel in this
14 State;

15 3. Total amount of rental receipts received by him
16 during the preceding calendar month from renting, leasing
17 or letting rooms during such preceding calendar month;

18 4. Total amount of rental receipts received by him
19 during the preceding calendar month from renting, leasing
20 or letting rooms to permanent residents during such
21 preceding calendar month;

22 5. Total amount of other exclusions from gross
23 rental receipts allowed by this Act;

24 6. Gross rental receipts which were received by him
25 during the preceding calendar month and upon the basis of
26 which the tax is imposed;

27 7. The amount of tax due;

28 8. Such other reasonable information as the
29 Department may require.

30 If the operator's average monthly tax liability to the
31 Department does not exceed \$200, the Department may authorize
32 his returns to be filed on a quarter annual basis, with the
33 return for January, February and March of a given year being
34 due by April 30 of such year; with the return for April, May

1 and June of a given year being due by July 31 of such year;
2 with the return for July, August and September of a given
3 year being due by October 31 of such year, and with the
4 return for October, November and December of a given year
5 being due by January 31 of the following year.

6 If the operator's average monthly tax liability to the
7 Department does not exceed \$50, the Department may authorize
8 his returns to be filed on an annual basis, with the return
9 for a given year being due by January 31 of the following
10 year.

11 Such quarter annual and annual returns, as to form and
12 substance, shall be subject to the same requirements as
13 monthly returns.

14 Notwithstanding any other provision in this Act
15 concerning the time within which an operator may file his
16 return, in the case of any operator who ceases to engage in a
17 kind of business which makes him responsible for filing
18 returns under this Act, such operator shall file a final
19 return under this Act with the Department not more than 1
20 month after discontinuing such business.

21 Where the same person has more than 1 business registered
22 with the Department under separate registrations under this
23 Act, such person shall not file each return that is due as a
24 single return covering all such registered businesses, but
25 shall file separate returns for each such registered
26 business.

27 In his return, the operator shall determine the value of
28 any consideration other than money received by him in
29 connection with the renting, leasing or letting of rooms in
30 the course of his business and he shall include such value in
31 his return. Such determination shall be subject to review
32 and revision by the Department in the manner hereinafter
33 provided for the correction of returns.

34 Where the operator is a corporation, the return filed on

1 behalf of such corporation shall be signed by the president,
2 vice-president, secretary or treasurer or by the properly
3 accredited agent of such corporation.

4 The person filing the return herein provided for shall,
5 at the time of filing such return, pay to the Department the
6 amount of tax herein imposed. The operator filing the return
7 under this Section shall, at the time of filing such return,
8 pay to the Department the amount of tax imposed by this Act
9 less a discount of 2.1% or \$25 per calendar year, whichever
10 is greater, which is allowed to reimburse the operator for
11 the expenses incurred in keeping records, preparing and
12 filing returns, remitting the tax and supplying data to the
13 Department on request.

14 There shall be deposited in the Build Illinois Fund in
15 the State Treasury for each State fiscal year 40% of the
16 amount of total net proceeds from the tax imposed by
17 subsection (a) of Section 3. Of the remaining 60%,
18 \$5,000,000 shall be deposited in the Illinois Sports
19 Facilities Fund and credited to the Subsidy Account each
20 fiscal year by making monthly deposits in the amount of 1/8
21 of \$5,000,000 plus cumulative deficiencies in such deposits
22 for prior months, and an additional \$8,000,000 shall be
23 deposited in the Illinois Sports Facilities Fund and credited
24 to the Advance Account each fiscal year by making monthly
25 deposits in the amount of 1/8 of \$8,000,000 plus any
26 cumulative deficiencies in such deposits for prior months.
27 (The deposits of the additional \$8,000,000 during each fiscal
28 year shall be treated as advances of funds to the Illinois
29 Sports Facilities Authority for its corporate purposes to the
30 extent paid to the Authority or its trustee and shall be
31 repaid into the General Revenue Fund in the State Treasury by
32 the State Treasurer on behalf of the Authority solely from
33 collections of the tax imposed by the Authority pursuant to
34 Section 19 of the Illinois Sports Facilities Act, as

1 amended.)

2 Of the remaining 60% of the amount of total net proceeds
3 from the tax imposed by subsection (a) of Section 3 after all
4 required deposits in the Illinois Sports Facilities Fund, the
5 amount equal to 8% of the net revenue realized from the Hotel
6 Operators' Occupation Tax Act plus an amount equal to 8% of
7 the net revenue realized from any tax imposed under Section
8 4.05 of the Chicago World's Fair-1992 Authority during the
9 preceding month shall be deposited in the Local Tourism Fund
10 each month for purposes authorized by Section 605-705 of the
11 Department of Commerce and Community Affairs Law (20 ILCS
12 605/605-705) in the Local Tourism Fund, and beginning August
13 1, 1999, the amount equal to 6% of the net revenue realized
14 from the Hotel Operators' Occupation Tax Act during the
15 preceding month shall be deposited into the International
16 Tourism Fund for the purposes authorized in Section 605-725
17 of the Department of Commerce and Community Affairs Law 46-6d
18 ~~of--the--Civil-Administrative-Code-of-Illinois~~. "Net revenue
19 realized for a month" means the revenue collected by the
20 State under that Act during the previous month less the
21 amount paid out during that same month as refunds to
22 taxpayers for overpayment of liability under that Act.

23 After making all these deposits, all other proceeds of
24 the tax imposed under subsection (a) of Section 3 shall be
25 deposited in the General Revenue Fund in the State Treasury.
26 All moneys received by the Department from the additional tax
27 imposed under subsection (b) of Section 3 shall be deposited
28 into the Build Illinois Fund in the State Treasury.

29 The Department may, upon separate written notice to a
30 taxpayer, require the taxpayer to prepare and file with the
31 Department on a form prescribed by the Department within not
32 less than 60 days after receipt of the notice an annual
33 information return for the tax year specified in the notice.
34 Such annual return to the Department shall include a

1 statement of gross receipts as shown by the operator's last
2 State income tax return. If the total receipts of the
3 business as reported in the State income tax return do not
4 agree with the gross receipts reported to the Department for
5 the same period, the operator shall attach to his annual
6 information return a schedule showing a reconciliation of the
7 amounts and the reasons for the difference. The operator's
8 annual information return to the Department shall also
9 disclose pay roll information of the operator's business
10 during the year covered by such return and any additional
11 reasonable information which the Department deems would be
12 helpful in determining the accuracy of the monthly, quarterly
13 or annual tax returns by such operator as hereinbefore
14 provided for in this Section.

15 If the annual information return required by this Section
16 is not filed when and as required the taxpayer shall be
17 liable for a penalty in an amount determined in accordance
18 with Section 3-4 of the Uniform Penalty and Interest Act
19 until such return is filed as required, the penalty to be
20 assessed and collected in the same manner as any other
21 penalty provided for in this Act.

22 The chief executive officer, proprietor, owner or highest
23 ranking manager shall sign the annual return to certify the
24 accuracy of the information contained therein. Any person
25 who willfully signs the annual return containing false or
26 inaccurate information shall be guilty of perjury and
27 punished accordingly. The annual return form prescribed by
28 the Department shall include a warning that the person
29 signing the return may be liable for perjury.

30 The foregoing portion of this Section concerning the
31 filing of an annual information return shall not apply to an
32 operator who is not required to file an income tax return
33 with the United States Government.

34 (Source: P.A. 90-26, eff. 7-1-97; 91-239, eff. 1-1-00;

1 91-604, eff. 8-16-99; revised 10-27-99.)

2 (Text of Section after amendment by P.A. 91-935)

3 Sec. 6. Except as provided hereinafter in this Section,
4 on or before the last day of each calendar month, every
5 person engaged in the business of renting, leasing or letting
6 rooms in a hotel in this State during the preceding calendar
7 month shall file a return with the Department, stating:

8 1. The name of the operator;

9 2. His residence address and the address of his
10 principal place of business and the address of the
11 principal place of business (if that is a different
12 address) from which he engages in the business of
13 renting, leasing or letting rooms in a hotel in this
14 State;

15 3. Total amount of rental receipts received by him
16 during the preceding calendar month from renting, leasing
17 or letting rooms during such preceding calendar month;

18 4. Total amount of rental receipts received by him
19 during the preceding calendar month from renting, leasing
20 or letting rooms to permanent residents during such
21 preceding calendar month;

22 5. Total amount of other exclusions from gross
23 rental receipts allowed by this Act;

24 6. Gross rental receipts which were received by him
25 during the preceding calendar month and upon the basis of
26 which the tax is imposed;

27 7. The amount of tax due;

28 8. Such other reasonable information as the
29 Department may require.

30 If the operator's average monthly tax liability to the
31 Department does not exceed \$200, the Department may authorize
32 his returns to be filed on a quarter annual basis, with the
33 return for January, February and March of a given year being
34 due by April 30 of such year; with the return for April, May

1 and June of a given year being due by July 31 of such year;
2 with the return for July, August and September of a given
3 year being due by October 31 of such year, and with the
4 return for October, November and December of a given year
5 being due by January 31 of the following year.

6 If the operator's average monthly tax liability to the
7 Department does not exceed \$50, the Department may authorize
8 his returns to be filed on an annual basis, with the return
9 for a given year being due by January 31 of the following
10 year.

11 Such quarter annual and annual returns, as to form and
12 substance, shall be subject to the same requirements as
13 monthly returns.

14 Notwithstanding any other provision in this Act
15 concerning the time within which an operator may file his
16 return, in the case of any operator who ceases to engage in a
17 kind of business which makes him responsible for filing
18 returns under this Act, such operator shall file a final
19 return under this Act with the Department not more than 1
20 month after discontinuing such business.

21 Where the same person has more than 1 business registered
22 with the Department under separate registrations under this
23 Act, such person shall not file each return that is due as a
24 single return covering all such registered businesses, but
25 shall file separate returns for each such registered
26 business.

27 In his return, the operator shall determine the value of
28 any consideration other than money received by him in
29 connection with the renting, leasing or letting of rooms in
30 the course of his business and he shall include such value in
31 his return. Such determination shall be subject to review
32 and revision by the Department in the manner hereinafter
33 provided for the correction of returns.

34 Where the operator is a corporation, the return filed on

1 behalf of such corporation shall be signed by the president,
2 vice-president, secretary or treasurer or by the properly
3 accredited agent of such corporation.

4 The person filing the return herein provided for shall,
5 at the time of filing such return, pay to the Department the
6 amount of tax herein imposed. The operator filing the return
7 under this Section shall, at the time of filing such return,
8 pay to the Department the amount of tax imposed by this Act
9 less a discount of 2.1% or \$25 per calendar year, whichever
10 is greater, which is allowed to reimburse the operator for
11 the expenses incurred in keeping records, preparing and
12 filing returns, remitting the tax and supplying data to the
13 Department on request.

14 There shall be deposited in the Build Illinois Fund in
15 the State Treasury for each State fiscal year 40% of the
16 amount of total net proceeds from the tax imposed by
17 subsection (a) of Section 3. Of the remaining 60%,
18 \$5,000,000 shall be deposited in the Illinois Sports
19 Facilities Fund and credited to the Subsidy Account each
20 fiscal year by making monthly deposits in the amount of 1/8
21 of \$5,000,000 plus cumulative deficiencies in such deposits
22 for prior months, and an additional \$8,000,000 shall be
23 deposited in the Illinois Sports Facilities Fund and credited
24 to the Advance Account each fiscal year by making monthly
25 deposits in the amount of 1/8 of \$8,000,000 plus any
26 cumulative deficiencies in such deposits for prior months;
27 provided, that for fiscal years ending after June 30, 2001,
28 the amount to be so deposited into the Illinois Sports
29 Facilities Fund and credited to the Advance Account each
30 fiscal year shall be increased from \$8,000,000 to the then
31 applicable Advance Amount and the required monthly deposits
32 beginning with July 2001 shall be in the amount of 1/8 of the
33 then applicable Advance Amount plus any cumulative
34 deficiencies in those deposits for prior months. (The

1 deposits of the additional \$8,000,000 or the then applicable
2 Advance Amount, as applicable, during each fiscal year shall
3 be treated as advances of funds to the Illinois Sports
4 Facilities Authority for its corporate purposes to the extent
5 paid to the Authority or its trustee and shall be repaid into
6 the General Revenue Fund in the State Treasury by the State
7 Treasurer on behalf of the Authority pursuant to Section 19
8 of the Illinois Sports Facilities Authority Act, as amended.
9 If in any fiscal year the full amount of the then applicable
10 Advance Amount is not repaid into the General Revenue Fund,
11 then the deficiency shall be paid from the amount in the
12 Local Government Distributive Fund that would otherwise be
13 allocated to the City of Chicago under the State Revenue
14 Sharing Act.)

15 For purposes of the foregoing paragraph, the term
16 "Advance Amount" means, for fiscal year 2002, \$22,179,000,
17 and for subsequent fiscal years through fiscal year 2032,
18 105.615% of the Advance Amount for the immediately preceding
19 fiscal year, rounded up to the nearest \$1,000.

20 Of the remaining 60% of the amount of total net proceeds
21 from the tax imposed by subsection (a) of Section 3 after all
22 required deposits in the Illinois Sports Facilities Fund, the
23 amount equal to 8% of the net revenue realized from the Hotel
24 Operators' Occupation Tax Act plus an amount equal to 8% of
25 the net revenue realized from any tax imposed under Section
26 4.05 of the Chicago World's Fair-1992 Authority Act during
27 the preceding month shall be deposited in the Local Tourism
28 Fund each month for purposes authorized by Section 605-705 of
29 the Department of Commerce and Community Affairs Law (20 ILCS
30 605/605-705) in the Local Tourism Fund, and beginning August
31 1, 1999 the amount equal to 6% of the net revenue realized
32 from the Hotel Operators' Occupation Tax Act during the
33 preceding month shall be deposited into the International
34 Tourism Fund for the purposes authorized in Section 46.6d of

1 the Civil Administrative Code of Illinois. "Net revenue
2 realized for a month" means the revenue collected by the
3 State under that Act during the previous month less the
4 amount paid out during that same month as refunds to
5 taxpayers for overpayment of liability under that Act.

6 After making all these deposits, all other proceeds of
7 the tax imposed under subsection (a) of Section 3 shall be
8 deposited in the General Revenue Fund in the State Treasury.
9 All moneys received by the Department from the additional tax
10 imposed under subsection (b) of Section 3 shall be deposited
11 into the Build Illinois Fund in the State Treasury.

12 The Department may, upon separate written notice to a
13 taxpayer, require the taxpayer to prepare and file with the
14 Department on a form prescribed by the Department within not
15 less than 60 days after receipt of the notice an annual
16 information return for the tax year specified in the notice.
17 Such annual return to the Department shall include a
18 statement of gross receipts as shown by the operator's last
19 State income tax return. If the total receipts of the
20 business as reported in the State income tax return do not
21 agree with the gross receipts reported to the Department for
22 the same period, the operator shall attach to his annual
23 information return a schedule showing a reconciliation of the
24 amounts and the reasons for the difference. The operator's
25 annual information return to the Department shall also
26 disclose pay roll information of the operator's business
27 during the year covered by such return and any additional
28 reasonable information which the Department deems would be
29 helpful in determining the accuracy of the monthly, quarterly
30 or annual tax returns by such operator as hereinbefore
31 provided for in this Section.

32 If the annual information return required by this Section
33 is not filed when and as required the taxpayer shall be
34 liable for a penalty in an amount determined in accordance

1 with Section 3-4 of the Uniform Penalty and Interest Act
2 until such return is filed as required, the penalty to be
3 assessed and collected in the same manner as any other
4 penalty provided for in this Act.

5 The chief executive officer, proprietor, owner or highest
6 ranking manager shall sign the annual return to certify the
7 accuracy of the information contained therein. Any person
8 who willfully signs the annual return containing false or
9 inaccurate information shall be guilty of perjury and
10 punished accordingly. The annual return form prescribed by
11 the Department shall include a warning that the person
12 signing the return may be liable for perjury.

13 The foregoing portion of this Section concerning the
14 filing of an annual information return shall not apply to an
15 operator who is not required to file an income tax return
16 with the United States Government.

17 (Source: P.A. 90-26, eff. 7-1-97; 91-239, eff. 1-1-00;
18 91-604, eff. 8-16-99; 91-935, eff. 6-1-01.)

19 Section 38. The Property Tax Code is amended by changing
20 Sections 15-35, 15-105, and 27-10 and setting forth and
21 renumbering multiple versions of the Article 10, Division 11
22 heading and Sections 10-235 and 10-240 as follows:

23 (35 ILCS 200/Art. 10, Div. 11 heading)

24 DIVISION 11. LOW-INCOME HOUSING

25 (35 ILCS 200/10-235)

26 Sec. 10-235. Section 515 low-income housing project
27 valuation policy; intent. It is the policy of this State that
28 low-income housing projects under Section 515 of the federal
29 Housing Act shall be valued at 33 and one-third percent of
30 the fair market value of their economic productivity to the
31 owners of the projects to help insure that their valuation

1 for property taxation does not result in taxes so high that
2 rent levels must be raised to cover this project expense,
3 which can cause excess vacancies, project loan defaults, and
4 eventual loss of rental housing facilities for those most in
5 need of them, low-income families and the elderly. It is the
6 intent of this State that the valuation required by this
7 Division is the closest representation of cash value required
8 by law and is the method established as proper and fair.

9 (Source: P.A. 91-651, eff. 1-1-00.)

10 (35 ILCS 200/10-240)

11 Sec. 10-240. Definition of Section 515 low-income housing
12 projects. "Section 515 low-income housing projects" mean
13 rental apartment facilities (i) developed and managed under a
14 United States Department of Agriculture Rural Rental Housing
15 Program designed to provide affordable housing to low to
16 moderate income families and seniors in rural communities
17 with populations under 20,000, (ii) that receive a subsidy in
18 the form of a 1% loan interest rate and a 50-year
19 amortization of the mortgage, (iii) that would not have been
20 built without a Section 515 interest credit subsidy, and (iv)
21 where the owners of the projects are limited to an annual
22 profit of an 8% return on a 5% equity investment, which may
23 result in a modest cash flow to owners of the projects unless
24 actual expenses, including property taxes, exceed budget
25 projections, in which case no profit may be realized.

26 (Source: P.A. 91-651, eff. 1-1-00.)

27 (35 ILCS 200/10-260)

28 Sec. 10-260. ~~10-235~~. Low-income housing. In determining
29 the fair cash value of property receiving benefits from the
30 Low-Income Housing Tax Credit authorized by Section 42 of the
31 Internal Revenue Code, 26 U.S.C. 42, emphasis shall be given
32 to the income approach, except in those circumstances where

1 another method is clearly more appropriate.

2 (Source: P.A. 91-502, eff. 8-13-99; revised 1-10-00.)

3 (35 ILCS 200/Art. 10, Div. 12 heading)

4 DIVISION 12. ~~11.~~ VETERANS ORGANIZATION PROPERTY

5 (35 ILCS 200/10-300)

6 Sec. 10-300. ~~10-240.~~ Veterans organization assessment
7 freeze.

8 (a) For the taxable year 2000 and thereafter, the
9 assessed value of real property owned and used by a veterans
10 organization chartered under federal law, on which is located
11 the principal building for the post, camp, or chapter, must
12 be frozen by the chief county assessment officer at (i) 15%
13 of the 1999 assessed value of the property for property that
14 qualifies for the assessment freeze in taxable year 2000 or
15 (ii) 15% of the assessed value of the property for the
16 taxable year that the property first qualifies for the
17 assessment freeze after taxable year 2000. If, in any year,
18 improvements or additions are made to the property that would
19 increase the assessed value of the property were it not for
20 this Section, then 15% of the assessed value of such
21 improvements shall be added to the assessment of the property
22 for that year and all subsequent years the property is
23 eligible for the freeze.

24 (b) The veterans organization must annually submit an
25 application to the chief county assessment officer on or
26 before (i) January 31 of the assessment year in counties with
27 a population of 3,000,000 or more and (ii) December 31 of the
28 assessment year in all other counties. The initial
29 application must contain the information required by the
30 Department of Revenue, including (i) a copy of the
31 organization's congressional charter, (ii) the location or
32 description of the property on which is located the principal

1 building for the post, camp, or chapter, (iii) a written
2 instrument evidencing that the organization is the record
3 owner or has a legal or equitable interest in the property,
4 (iv) an affidavit that the organization is liable for paying
5 the real property taxes on the property, and (v) the
6 signature of the organization's chief presiding officer.
7 Subsequent applications shall include any changes in the
8 initial application and shall be signed by the organization's
9 chief presiding officer. All applications shall be
10 notarized.

11 (c) This Section shall not apply to parcels exempt under
12 Section 15-145.

13 (Source: P.A. 91-635, eff. 8-20-99; revised 1-10-00.)

14 (35 ILCS 200/15-35)

15 Sec. 15-35. Schools. All property donated by the United
16 States for school purposes, and all property of schools, not
17 sold or leased or otherwise used with a view to profit, is
18 exempt, whether owned by a resident or non-resident of this
19 State or by a corporation incorporated in any state of the
20 United States. Also exempt is:

21 (a) property of schools which is leased to a
22 municipality to be used for municipal purposes on a
23 not-for-profit basis;

24 (b) property of schools on which the schools are
25 located and any other property of schools used by the
26 schools exclusively for school purposes, including, but
27 not limited to, student residence halls, dormitories and
28 other housing facilities for students and their spouses
29 and children, staff housing facilities, and school-owned
30 and operated dormitory or residence halls occupied in
31 whole or in part by students who belong to fraternities,
32 sororities, or other campus organizations;

33 (c) property donated, granted, received or used for

1 public school, college, theological seminary, university,
2 or other educational purposes, whether held in trust or
3 absolutely;

4 (d) in counties with more than 200,000 inhabitants
5 which classify property, property (including interests in
6 land and other facilities) on or adjacent to (even if
7 separated by a public street, alley, sidewalk, parkway or
8 other public way) the grounds of a school, if that
9 property is used by an academic, research or professional
10 society, institute, association or organization which
11 serves the advancement of learning in a field or fields
12 of study taught by the school and which property is not
13 used with a view to profit; and

14 (e) property owned by a school district. The
15 exemption under this subsection is not affected by any
16 transaction in which, for the purpose of obtaining
17 financing, the school district, directly or indirectly,
18 leases or otherwise transfers the property to another for
19 which or whom property is not exempt and immediately
20 after the lease or transfer enters into a leaseback or
21 other agreement that directly or indirectly gives the
22 school district a right to use, control, and possess the
23 property. In the case of a conveyance of the property,
24 the school district must retain an option to purchase the
25 property at a future date or, within the limitations
26 period for reverters, the property must revert back to
27 the school district.

28 (1) If the property has been conveyed as
29 described in this subsection, the property is no
30 longer exempt under this Section as of the date
31 when:

32 (A) the right of the school district to
33 use, control, and possess the property is
34 terminated;

1 (B) the school district no longer has an
2 option to purchase or otherwise acquire the
3 property; and

4 (C) there is no provision for a reverter
5 of the property to the school district within
6 the limitations period for reverters.

7 (2) Pursuant to Sections 15-15 and 15-20 of
8 this Code, the school district shall notify the
9 chief county assessment officer of any transaction
10 under this subsection. The chief county assessment
11 officer shall determine initial and continuing
12 compliance with the requirements of this subsection
13 for tax exemption. Failure to notify the chief
14 county assessment officer of a transaction under
15 this subsection or to otherwise comply with the
16 requirements of Sections 15-15 and 15-20 of this
17 Code shall, in the discretion of the chief county
18 assessment officer, constitute cause to terminate
19 the exemption, notwithstanding any other provision
20 of this Code.

21 (3) No provision of this subsection shall be
22 construed to affect the obligation of the school
23 district to which an exemption certificate has been
24 issued under this Section from its obligation under
25 Section 15-10 of this Code to file an annual
26 certificate of status or to notify the chief county
27 assessment officer of transfers of interest or other
28 changes in the status of the property as required by
29 this Code.

30 (4) The changes made by this amendatory Act of
31 the 91st General Assembly are declarative of
32 existing law and shall not be construed as a new
33 enactment; and-

34 (f) ~~(e)~~ in counties with more than 200,000

1 inhabitants which classify property, property of a
2 corporation, which is an exempt entity under paragraph
3 (3) of Section 501(c) of the Internal Revenue Code or its
4 successor law, used by the corporation for the following
5 purposes: (1) conducting continuing education for
6 professional development of personnel in energy-related
7 industries; (2) maintaining a library of energy
8 technology information available to students and the
9 public free of charge; and (3) conducting research in
10 energy and environment, which research results could be
11 ultimately accessible to persons involved in education.

12 (Source: P.A. 90-655, eff. 7-30-98; 91-513, eff. 8-13-99;
13 91-578, eff. 8-14-99; revised 10-20-99.)

14 (35 ILCS 200/15-105)

15 Sec. 15-105. Park and conservation districts.

16 (a) All property within a park or conservation district
17 with 2,000,000 or more inhabitants and owned by that district
18 is exempt, as is all property located outside the district
19 but owned by it and used as a nursery, garden, or farm for
20 the growing of shrubs, trees, flowers and plants for use in
21 beautifying, maintaining and operating playgrounds, parks,
22 parkways, public grounds, and buildings owned or controlled
23 by the district.

24 (b) All property belonging to any park or conservation
25 district with less than 2,000,000 inhabitants is exempt. All
26 property leased to such park district for \$1 or less per year
27 and used exclusively as open space for recreational purposes
28 not exceeding 50 acres in the aggregate for each district is
29 exempt.

30 (c) ~~Also--exempt--is~~ All property belonging to a park
31 district organized pursuant to the Metro-East Park and
32 Recreation District Act is exempt.

33 (Source: P.A. 91-103, eff. 7-13-99; 91-490, eff. 8-13-99;

1 revised 10-7-99.)

2 (35 ILCS 200/27-10)

3 Sec. 27-10. Providing special services. In any case in
 4 which a municipality or county exercises the power granted in
 5 item Part (6) of Section 7 of Article VII of the Illinois
 6 Constitution, or in item (2) of subsection (1) Part-(2),
 7 paragraph-B of Section 6 of Article VII, of the Illinois
 8 Constitution to provide special services, a tax to provide
 9 those special services ~~service~~ or provide for the payment of
 10 debt incurred for that purpose shall be levied or imposed in
 11 accordance with this Article.

12 (Source: P.A. 78-901; 88-455; revised 2-9-00.)

13 Section 39. The Motor Fuel Tax Law is amended by
 14 changing Sections 1.2, 1.14, and 8 as follows:

15 (35 ILCS 505/1.2) (from Ch. 120, par. 417.2)

16 Sec. 1.2. Distributor. "Distributor" means a person who
 17 either (i) produces, refines, blends, compounds or
 18 manufactures motor fuel in this State, or (ii) transports
 19 motor fuel into this State, or (iii) engages in the
 20 distribution of motor fuel primarily by tank car or tank
 21 truck, or both, and who operates an Illinois bulk plant where
 22 he or she has active bulk storage capacity of not less than
 23 30,000 gallons for gasoline as defined in item (A) of Section
 24 5 of this Law.

25 "Distributor" does not, however, include a person who
 26 receives or transports into this State and sells or uses
 27 motor fuel under such circumstances as preclude the
 28 collection of the tax herein imposed, by reason of the
 29 provisions of the constitution and statutes of the United
 30 States. However, a person operating a motor vehicle into the
 31 State, may transport motor fuel in the ordinary fuel tank

1 attached to the motor vehicle for the operation of the motor
2 vehicle, without being considered a distributor. Any
3 railroad licensed as a bulk user and registered under Section
4 18c-7201 of the Illinois Vehicle Code may deliver special
5 fuel directly into the fuel supply tank of a locomotive
6 owned, operated, or controlled by any other railroad
7 registered under Section 18c-7201 of the Illinois Vehicle
8 Code without being considered a distributor.

9 (Source: P.A. 91-173, eff. 1-1-00; 91-198, eff. 7-20-99;
10 revised 10-12-99.)

11 (35 ILCS 505/1.14) (from Ch. 120, par. 417.14)

12 Sec. 1.14. Supplier. "Supplier" means any person other
13 than a licensed distributor who (i) transports special fuel
14 into this State or (ii) engages in the distribution of
15 special fuel primarily by tank car or tank truck, or both,
16 and who operates an Illinois bulk plant where he has active
17 bulk storage capacity of not less than 30,000 gallons for
18 special fuel as defined in Section 1.13 of this Law.

19 "Supplier" does not, however, include a person who
20 receives or transports into this State and sells or uses
21 special fuel under such circumstances as preclude the
22 collection of the tax herein imposed, by reason of the
23 provisions of the Constitution and laws of the United States.
24 However, a person operating a motor vehicle into the State,
25 may transport special fuel in the ordinary fuel tank attached
26 to the motor vehicle for the operation of the motor vehicle
27 without being considered a supplier. Any railroad licensed as
28 a bulk user and registered under Section 18c-7201 of the
29 Illinois Vehicle Code may deliver special fuel directly into
30 the fuel supply tank of a locomotive owned, operated, or
31 controlled by any other railroad registered under Section
32 18c-7201 of the Illinois Vehicle Code without being
33 considered a supplier.

1 (Source: P.A. 91-173, eff. 1-1-00; 91-198, eff. 7-20-99;
2 revised 10-12-99.)

3 (35 ILCS 505/8) (from Ch. 120, par. 424)

4 Sec. 8. Except as provided in Sections 8a and 13a.6 and
5 items 13, 14, 15, and 16 of Section 15, all money received by
6 the Department under this Act, including payments made to the
7 Department by member jurisdictions participating in the
8 International Fuel Tax Agreement, shall be deposited in a
9 special fund in the State treasury, to be known as the "Motor
10 Fuel Tax Fund", and shall be used as follows:

11 (a) 2 1/2 cents per gallon of the tax collected on
12 special fuel under paragraph (b) of Section 2 and Section 13a
13 of this Act shall be transferred to the State Construction
14 Account Fund in the State Treasury;

15 (b) \$420,000 shall be transferred each month to the
16 State Boating Act Fund to be used by the Department of
17 Natural Resources for the purposes specified in Article X of
18 the Boat Registration and Safety Act;

19 (c) \$2,250,000 shall be transferred each month to the
20 Grade Crossing Protection Fund to be used as follows: not
21 less than \$6,000,000 each fiscal year shall be used for the
22 construction or reconstruction of rail highway grade
23 separation structures; beginning with fiscal year 1997 and
24 ending in fiscal year 2000, \$1,500,000, beginning with fiscal
25 year 2001 and ending in fiscal year 2003, \$2,250,000, and
26 \$750,000 in fiscal year 2004 and each fiscal year thereafter
27 shall be transferred to the Transportation Regulatory Fund
28 and shall be accounted for as part of the rail carrier
29 portion of such funds and shall be used to pay the cost of
30 administration of the Illinois Commerce Commission's railroad
31 safety program in connection with its duties under subsection
32 (3) of Section 18c-7401 of the Illinois Vehicle Code, with
33 the remainder to be used by the Department of Transportation

1 upon order of the Illinois Commerce Commission, to pay that
2 part of the cost apportioned by such Commission to the State
3 to cover the interest of the public in the use of highways,
4 roads, streets, or pedestrian walkways in the county highway
5 system, township and district road system, or municipal
6 street system as defined in the Illinois Highway Code, as the
7 same may from time to time be amended, for separation of
8 grades, for installation, construction or reconstruction of
9 crossing protection or reconstruction, alteration, relocation
10 including construction or improvement of any existing highway
11 necessary for access to property or improvement of any grade
12 crossing including the necessary highway approaches thereto
13 of any railroad across the highway or public road, or for the
14 installation, construction, reconstruction, or maintenance of
15 a pedestrian walkway over or under a railroad right-of-way,
16 as provided for in and in accordance with Section 18c-7401 of
17 the Illinois Vehicle Code. The Commission shall not order
18 more than \$2,000,000 per year in Grade Crossing Protection
19 Fund moneys for pedestrian walkways. In entering orders for
20 projects for which payments from the Grade Crossing
21 Protection Fund will be made, the Commission shall account
22 for expenditures authorized by the orders on a cash rather
23 than an accrual basis. For purposes of this requirement an
24 "accrual basis" assumes that the total cost of the project is
25 expended in the fiscal year in which the order is entered,
26 while a "cash basis" allocates the cost of the project among
27 fiscal years as expenditures are actually made. To meet the
28 requirements of this subsection, the Illinois Commerce
29 Commission shall develop annual and 5-year project plans of
30 rail crossing capital improvements that will be paid for with
31 moneys from the Grade Crossing Protection Fund. The annual
32 project plan shall identify projects for the succeeding
33 fiscal year and the 5-year project plan shall identify
34 projects for the 5 directly succeeding fiscal years. The

1 Commission shall submit the annual and 5-year project plans
2 for this Fund to the Governor, the President of the Senate,
3 the Senate Minority Leader, the Speaker of the House of
4 Representatives, and the Minority Leader of the House of
5 Representatives on the first Wednesday in April of each year;

6 (d) of the amount remaining after allocations provided
7 for in subsections (a), (b) and (c), a sufficient amount
8 shall be reserved to pay all of the following:

9 (1) the costs of the Department of Revenue in
10 administering this Act;

11 (2) the costs of the Department of Transportation
12 in performing its duties imposed by the Illinois Highway
13 Code for supervising the use of motor fuel tax funds
14 apportioned to municipalities, counties and road
15 districts;

16 (3) refunds provided for in Section 13 of this Act
17 and under the terms of the International Fuel Tax
18 Agreement referenced in Section 14a;

19 (4) from October 1, 1985 until June 30, 1994, the
20 administration of the Vehicle Emissions Inspection Law,
21 which amount shall be certified monthly by the
22 Environmental Protection Agency to the State Comptroller
23 and shall promptly be transferred by the State
24 Comptroller and Treasurer from the Motor Fuel Tax Fund to
25 the Vehicle Inspection Fund, and for the period July 1,
26 1994 through June 30, 2000 2006, one-twelfth of
27 \$25,000,000 each month, and for the period July 1, 2000
28 through June 30, 2006, one-twelfth of \$30,000,000 each
29 month, for the administration of the Vehicle Emissions
30 Inspection Law of 1995, to be transferred by the State
31 Comptroller and Treasurer from the Motor Fuel Tax Fund
32 into the Vehicle Inspection Fund;

33 (5) amounts ordered paid by the Court of Claims;
34 and

1 (6) payment of motor fuel use taxes due to member
2 jurisdictions under the terms of the International Fuel
3 Tax Agreement. The Department shall certify these
4 amounts to the Comptroller by the 15th day of each month;
5 the Comptroller shall cause orders to be drawn for such
6 amounts, and the Treasurer shall administer those amounts
7 on or before the last day of each month;

8 (e) after allocations for the purposes set forth in
9 subsections (a), (b), (c) and (d), the remaining amount shall
10 be apportioned as follows:

11 (1) Until January 1, 2000, 58.4%, and beginning
12 January 1, 2000, 45.6% shall be deposited as follows:

13 (A) 37% into the State Construction Account
14 Fund, and

15 (B) 63% into the Road Fund, \$1,250,000 of
16 which shall be reserved each month for the
17 Department of Transportation to be used in
18 accordance with the provisions of Sections 6-901
19 through 6-906 of the Illinois Highway Code;

20 (2) Until January 1, 2000, 41.6%, and beginning
21 January 1, 2000, 54.4% shall be transferred to the
22 Department of Transportation to be distributed as
23 follows:

24 (A) 49.10% to the municipalities of the State,

25 (B) 16.74% to the counties of the State having
26 1,000,000 or more inhabitants,

27 (C) 18.27% to the counties of the State having
28 less than 1,000,000 inhabitants,

29 (D) 15.89% to the road districts of the State.

30 As soon as may be after the first day of each month the
31 Department of Transportation shall allot to each municipality
32 its share of the amount apportioned to the several
33 municipalities which shall be in proportion to the population
34 of such municipalities as determined by the last preceding

1 municipal census if conducted by the Federal Government or
2 Federal census. If territory is annexed to any municipality
3 subsequent to the time of the last preceding census the
4 corporate authorities of such municipality may cause a census
5 to be taken of such annexed territory and the population so
6 ascertained for such territory shall be added to the
7 population of the municipality as determined by the last
8 preceding census for the purpose of determining the allotment
9 for that municipality. If the population of any municipality
10 was not determined by the last Federal census preceding any
11 apportionment, the apportionment to such municipality shall
12 be in accordance with any census taken by such municipality.
13 Any municipal census used in accordance with this Section
14 shall be certified to the Department of Transportation by the
15 clerk of such municipality, and the accuracy thereof shall be
16 subject to approval of the Department which may make such
17 corrections as it ascertains to be necessary.

18 As soon as may be after the first day of each month the
19 Department of Transportation shall allot to each county its
20 share of the amount apportioned to the several counties of
21 the State as herein provided. Each allotment to the several
22 counties having less than 1,000,000 inhabitants shall be in
23 proportion to the amount of motor vehicle license fees
24 received from the residents of such counties, respectively,
25 during the preceding calendar year. The Secretary of State
26 shall, on or before April 15 of each year, transmit to the
27 Department of Transportation a full and complete report
28 showing the amount of motor vehicle license fees received
29 from the residents of each county, respectively, during the
30 preceding calendar year. The Department of Transportation
31 shall, each month, use for allotment purposes the last such
32 report received from the Secretary of State.

33 As soon as may be after the first day of each month, the
34 Department of Transportation shall allot to the several

1 counties their share of the amount apportioned for the use of
2 road districts. The allotment shall be apportioned among the
3 several counties in the State in the proportion which the
4 total mileage of township or district roads in the respective
5 counties bears to the total mileage of all township and
6 district roads in the State. Funds allotted to the respective
7 counties for the use of road districts therein shall be
8 allocated to the several road districts in the county in the
9 proportion which the total mileage of such township or
10 district roads in the respective road districts bears to the
11 total mileage of all such township or district roads in the
12 county. After July 1 of any year, no allocation shall be
13 made for any road district unless it levied a tax for road
14 and bridge purposes in an amount which will require the
15 extension of such tax against the taxable property in any
16 such road district at a rate of not less than either .08% of
17 the value thereof, based upon the assessment for the year
18 immediately prior to the year in which such tax was levied
19 and as equalized by the Department of Revenue or, in DuPage
20 County, an amount equal to or greater than \$12,000 per mile
21 of road under the jurisdiction of the road district,
22 whichever is less. If any road district has levied a special
23 tax for road purposes pursuant to Sections 6-601, 6-602 and
24 6-603 of the Illinois Highway Code, and such tax was levied
25 in an amount which would require extension at a rate of not
26 less than .08% of the value of the taxable property thereof,
27 as equalized or assessed by the Department of Revenue, or, in
28 DuPage County, an amount equal to or greater than \$12,000 per
29 mile of road under the jurisdiction of the road district,
30 whichever is less, such levy shall, however, be deemed a
31 proper compliance with this Section and shall qualify such
32 road district for an allotment under this Section. If a
33 township has transferred to the road and bridge fund money
34 which, when added to the amount of any tax levy of the road

1 district would be the equivalent of a tax levy requiring
2 extension at a rate of at least .08%, or, in DuPage County,
3 an amount equal to or greater than \$12,000 per mile of road
4 under the jurisdiction of the road district, whichever is
5 less, such transfer, together with any such tax levy, shall
6 be deemed a proper compliance with this Section and shall
7 qualify the road district for an allotment under this
8 Section.

9 In counties in which a property tax extension limitation
10 is imposed under the Property Tax Extension Limitation Law,
11 road districts may retain their entitlement to a motor fuel
12 tax allotment if, at the time the property tax extension
13 limitation was imposed, the road district was levying a road
14 and bridge tax at a rate sufficient to entitle it to a motor
15 fuel tax allotment and continues to levy the maximum
16 allowable amount after the imposition of the property tax
17 extension limitation. Any road district may in all
18 circumstances retain its entitlement to a motor fuel tax
19 allotment if it levied a road and bridge tax in an amount
20 that will require the extension of the tax against the
21 taxable property in the road district at a rate of not less
22 than 0.08% of the assessed value of the property, based upon
23 the assessment for the year immediately preceding the year in
24 which the tax was levied and as equalized by the Department
25 of Revenue or, in DuPage County, an amount equal to or
26 greater than \$12,000 per mile of road under the jurisdiction
27 of the road district, whichever is less.

28 As used in this Section the term "road district" means
29 any road district, including a county unit road district,
30 provided for by the Illinois Highway Code; and the term
31 "township or district road" means any road in the township
32 and district road system as defined in the Illinois Highway
33 Code. For the purposes of this Section, "road district" also
34 includes park districts, forest preserve districts and

1 conservation districts organized under Illinois law and
2 "township or district road" also includes such roads as are
3 maintained by park districts, forest preserve districts and
4 conservation districts. The Department of Transportation
5 shall determine the mileage of all township and district
6 roads for the purposes of making allotments and allocations
7 of motor fuel tax funds for use in road districts.

8 Payment of motor fuel tax moneys to municipalities and
9 counties shall be made as soon as possible after the
10 allotment is made. The treasurer of the municipality or
11 county may invest these funds until their use is required and
12 the interest earned by these investments shall be limited to
13 the same uses as the principal funds.

14 (Source: P.A. 90-110, eff. 7-14-97; 90-655, eff. 7-30-98;
15 90-659, eff. 1-1-99; 90-691, eff. 1-1-99; 91-37, eff. 7-1-99;
16 91-59, eff. 6-30-99; 91-173, eff. 1-1-00; 91-357, eff.
17 7-29-99; 91-704, eff. 7-1-00; 91-725, eff. 6-2-00; 91-794,
18 eff. 6-9-00; revised 6-28-00.)

19 Section 39.5. The Telecommunications Municipal
20 Infrastructure Maintenance Fee Act is amended by changing
21 Section 22 as follows:

22 (35 ILCS 635/22)

23 Sec. 22. Certificates. It shall be unlawful for any
24 person to engage in business as a telecommunications
25 ~~teleecomunieations~~ retailer in this State within the meaning
26 of this Act without first having obtained a certificate of
27 registration to do so from the Department. Application for
28 the certificate shall be made to the Department in a form
29 prescribed and furnished by the Department. Each applicant
30 for a certificate shall furnish to the Department on a form
31 prescribed by the Department and signed by the applicant
32 under penalties of perjury, the following information:

1 (1) The name of the applicant.

2 (2) The address of the location at which the
3 applicant proposes to engage in business as a
4 telecommunications retailer in this State.

5 (3) Other information the Department may reasonably
6 require.

7 The Department, upon receipt of an application in proper
8 form, shall issue to the applicant a certificate, in a form
9 prescribed by the Department, which shall permit the
10 applicant to whom it is issued to engage in business as a
11 telecommunications retailer at the place shown on his or her
12 application. No certificate issued under this Act is
13 transferable or assignable. No certificate shall be issued
14 to any person who is in default to the State of Illinois for
15 moneys due under this Act or any other tax Act administered
16 by the Department. Any person aggrieved by any decision of
17 the Department under this Section may, within 20 days after
18 notice of such decision, protest and request a hearing,
19 whereupon the Department shall give notice to such person of
20 the time and place fixed for such hearing and shall hold a
21 hearing in conformity with the provisions of this Act and
22 then issue its final administrative decision in the matter to
23 such person. In the absence of such a protest within 20
24 days, the Department's decision shall become final without
25 any further determination being made or notice given.

26 The Department may, in its discretion, upon application,
27 authorize the payment of the fees imposed under this Act by
28 any telecommunications retailer not otherwise subject to the
29 fees imposed under this Act who, to the satisfaction of the
30 Department, furnishes adequate security to ensure payment of
31 the fees. The telecommunications retailer shall be issued,
32 without charge, a certificate to remit the fees. When so
33 authorized, it shall be the duty of the telecommunications
34 retailer to remit the fees imposed upon the gross charges

1 charged by the telecommunications retailer to service
2 addresses in this State for telecommunications in the same
3 manner and subject to the same requirements as a
4 telecommunications retailer operating within this State.

5 (Source: P.A. 90-562, eff. 12-16-97; revised 9-22-00.)

6 Section 40. The Illinois Pension Code is amended by
7 changing Sections 1-109.1, 7-109.3, 15-136, 15-139, 15-154,
8 and 16-138 as follows:

9 (40 ILCS 5/1-109.1) (from Ch. 108 1/2, par. 1-109.1)

10 Sec. 1-109.1. Allocation and Delegation of Fiduciary
11 Duties.

12 (1) Subject to the provisions of Section 22A-113 of this
13 Code and subsections (2) and (3) of this Section, the board
14 of trustees of a retirement system or pension fund
15 established under this Code may:

16 (a) Appoint one or more investment managers as
17 fiduciaries to manage (including the power to acquire and
18 dispose of) any assets of the retirement system or
19 pension fund; and

20 (b) Allocate duties among themselves and designate
21 others as fiduciaries to carry out specific fiduciary
22 activities other than the management of the assets of the
23 retirement system or pension fund.

24 (2) The board of trustees of a pension fund established
25 under Article 5, 6, 8, 9, 10, 11, 12 or 17 of this Code may
26 not transfer its investment authority, nor transfer the
27 assets of the fund to any other person or entity for the
28 purpose of consolidating or merging its assets and management
29 with any other pension fund or public investment authority,
30 unless the board resolution authorizing such transfer is
31 submitted for approval to the contributors and pensioners of
32 the fund at elections held not less than 30 days after the

1 adoption of such resolution by the board, and such resolution
2 is approved by a majority of the votes cast on the question
3 in both the contributors election and the pensioners
4 election. The election procedures and qualifications
5 governing the election of trustees shall govern the
6 submission of resolutions for approval under this paragraph,
7 insofar as they may be made applicable.

8 (3) Pursuant to subsections (h) and (i) of Section 6 of
9 Article VII of the Illinois Constitution, the investment
10 authority of boards of trustees of retirement systems and
11 pension funds established under this Code is declared to be a
12 subject of exclusive State jurisdiction, and the concurrent
13 exercise by a home rule unit of any power affecting such
14 investment authority is hereby specifically denied and
15 preempted.

16 (4) For the purposes of this Code, "emerging investment
17 manager" means a qualified investment adviser that manages an
18 investment portfolio of at least \$10,000,000 but less than
19 \$400,000,000 on January 1, 1993 and is a "minority owned
20 business" or "female owned business" as those terms are
21 defined in the Minority-and-Female Business Enterprise for
22 Minorities, Females, and Persons with Disabilities Act.

23 It is hereby declared to be the public policy of the
24 State of Illinois to encourage the trustees of public
25 employee retirement systems to use emerging investment
26 managers in managing their system's assets to the greatest
27 extent feasible within the bounds of financial and fiduciary
28 prudence, and to take affirmative steps to remove any
29 barriers to the full participation of emerging investment
30 managers in investment opportunities afforded by those
31 retirement systems.

32 Each retirement system subject to this Code shall prepare
33 a report to be submitted to the Governor and the General
34 Assembly by September 1 of each year. The report shall

1 identify the emerging investment managers used by the system,
2 the percentage of the system's assets under the investment
3 control of emerging investment managers, and the actions it
4 has undertaken to increase the use of emerging investment
5 managers, including encouraging other investment managers to
6 use emerging investment managers as subcontractors when the
7 opportunity arises.

8 The use of an emerging investment manager does not
9 constitute a transfer of investment authority for the
10 purposes of subsection (2) of this Section.

11 (Source: P.A. 86-1488; 87-1265; revised 8-23-99)

12 (40 ILCS 5/7-109.3) (from Ch. 108 1/2, par. 7-109.3)

13 Sec. 7-109.3. "Sheriff's Law Enforcement Employees".

14 (a) "Sheriff's law enforcement employee" or "SLEP"
15 means:

16 (1) A county sheriff and all deputies, other than
17 special deputies, employed on a full time basis in the
18 office of the sheriff.

19 (2) A person who has elected to participate in this
20 Fund under Section 3-109.1 of this Code, and who is
21 employed by a participating municipality to perform
22 police duties.

23 (3) A law enforcement officer employed on a full
24 time basis by a Forest Preserve District, provided that
25 such officer shall be deemed a "sheriff's law enforcement
26 employee" for the purposes of this Article, and service
27 in that capacity shall be deemed to be service as a
28 sheriff's law enforcement employee, only if the board of
29 commissioners of the District have so elected by adoption
30 of an affirmative resolution. Such election, once made,
31 may not be rescinded.

32 (4) A person not eligible to participate in a fund
33 established under Article 3 of this Code who is employed

1 on a full-time basis by a participating municipality or
2 participating instrumentality to perform police duties at
3 an airport, but only if the governing authority of the
4 employer has approved sheriff's law enforcement employee
5 status for its airport police employees by adoption of an
6 affirmative resolution. Such approval, once given, may
7 not be rescinded.

8 (b) An employee who is a sheriff's law enforcement
9 employee and is granted military leave or authorized leave of
10 absence shall receive service credit in that capacity.
11 Sheriff's law enforcement employees shall not be entitled to
12 out-of-State out-of-State service credit under Section 7-139.
13 (Source: P.A. 90-448, eff. 8-16-97; revised 9-27-00.)

14 (40 ILCS 5/15-136) (from Ch. 108 1/2, par. 15-136)
15 Sec. 15-136. Retirement annuities - Amount. The
16 provisions of this Section 15-136 apply only to those
17 participants who are participating in the traditional benefit
18 package or the portable benefit package and do not apply to
19 participants who are participating in the self-managed plan.

20 (a) The amount of a participant's retirement annuity,
21 expressed in the form of a single-life annuity, shall be
22 determined by whichever of the following rules is applicable
23 and provides the largest annuity:

24 Rule 1: The retirement annuity shall be 1.67% of final
25 rate of earnings for each of the first 10 years of service,
26 1.90% for each of the next 10 years of service, 2.10% for
27 each year of service in excess of 20 but not exceeding 30,
28 and 2.30% for each year in excess of 30; or for persons who
29 retire on or after January 1, 1998, 2.2% of the final rate of
30 earnings for each year of service.

31 Rule 2: The retirement annuity shall be the sum of the
32 following, determined from amounts credited to the
33 participant in accordance with the actuarial tables and the

1 prescribed rate of interest in effect at the time the
2 retirement annuity begins:

3 (i) the normal annuity which can be provided on an
4 actuarially equivalent basis, by the accumulated normal
5 contributions as of the date the annuity begins; and

6 (ii) an annuity from employer contributions of an
7 amount equal to that which can be provided on an
8 actuarially equivalent basis from the accumulated normal
9 contributions made by the participant under Section
10 15-113.6 and Section 15-113.7 plus 1.4 times all other
11 accumulated normal contributions made by the participant.

12 With respect to a police officer or firefighter who
13 retires on or after August 14, 1998, the accumulated normal
14 contributions taken into account under clauses (i) and (ii)
15 of this Rule 2 shall include the additional normal
16 contributions made by the police officer or firefighter under
17 Section 15-157(a).

18 The amount of a retirement annuity calculated under this
19 Rule 2 shall be computed solely on the basis of the
20 participant's accumulated normal contributions, as specified
21 in this Rule and defined in Section 15-116. Neither an
22 employee or employer contribution for early retirement under
23 Section 15-136.2 nor any other employer contribution shall be
24 used in the calculation of the amount of a retirement annuity
25 under this Rule 2.

26 This amendatory Act of the 91st General Assembly is a
27 clarification of existing law and applies to every
28 participant and annuitant without regard to whether status as
29 an employee terminates before the effective date of this
30 amendatory Act.

31 Rule 3: The retirement annuity of a participant who is
32 employed at least one-half time during the period on which
33 his or her final rate of earnings is based, shall be equal to
34 the participant's years of service not to exceed 30,

1 multiplied by (1) \$96 if the participant's final rate of
2 earnings is less than \$3,500, (2) \$108 if the final rate of
3 earnings is at least \$3,500 but less than \$4,500, (3) \$120 if
4 the final rate of earnings is at least \$4,500 but less than
5 \$5,500, (4) \$132 if the final rate of earnings is at least
6 \$5,500 but less than \$6,500, (5) \$144 if the final rate of
7 earnings is at least \$6,500 but less than \$7,500, (6) \$156 if
8 the final rate of earnings is at least \$7,500 but less than
9 \$8,500, (7) \$168 if the final rate of earnings is at least
10 \$8,500 but less than \$9,500, and (8) \$180 if the final rate
11 of earnings is \$9,500 or more, except that the annuity for
12 those persons having made an election under Section
13 15-154(a-1) shall be calculated and payable under the
14 portable retirement benefit program pursuant to the
15 provisions of Section 15-136.4.

16 Rule 4: A participant who is at least age 50 and has 25
17 or more years of service as a police officer or firefighter,
18 and a participant who is age 55 or over and has at least 20
19 but less than 25 years of service as a police officer or
20 firefighter, shall be entitled to a retirement annuity of
21 2 1/4% of the final rate of earnings for each of the first 10
22 years of service as a police officer or firefighter, 2 1/2%
23 for each of the next 10 years of service as a police officer
24 or firefighter, and 2 3/4% for each year of service as a
25 police officer or firefighter in excess of 20. The
26 retirement annuity for all other service shall be computed
27 under Rule 1.

28 For purposes of this Rule 4, a participant's service as a
29 firefighter shall also include the following:

- 30 (i) service that is performed while the person is
31 an employee under subsection (h) of Section 15-107; and
32 (ii) in the case of an individual who was a
33 participating employee employed in the fire department of
34 the University of Illinois's Champaign-Urbana campus

1 immediately prior to the elimination of that fire
2 department and who immediately after the elimination of
3 that fire department transferred to another job with the
4 University of Illinois, service performed as an employee
5 of the University of Illinois in a position other than
6 police officer or firefighter, from the date of that
7 transfer until the employee's next termination of service
8 with the University of Illinois.

9 Rule 5: The retirement annuity of a participant who
10 elected early retirement under the provisions of Section
11 15-136.2 and who, on or before February 16, 1995, brought
12 administrative proceedings pursuant to the administrative
13 rules adopted by the System to challenge the calculation of
14 his or her retirement annuity shall be the sum of the
15 following, determined from amounts credited to the
16 participant in accordance with the actuarial tables and the
17 prescribed rate of interest in effect at the time the
18 retirement annuity begins:

19 (i) the normal annuity which can be provided on an
20 actuarially equivalent basis, by the accumulated normal
21 contributions as of the date the annuity begins; and

22 (ii) an annuity from employer contributions of an
23 amount equal to that which can be provided on an
24 actuarially equivalent basis from the accumulated normal
25 contributions made by the participant under Section
26 15-113.6 and Section 15-113.7 plus 1.4 times all other
27 accumulated normal contributions made by the participant;
28 and

29 (iii) an annuity which can be provided on an
30 actuarially equivalent basis from the employee
31 contribution for early retirement under Section 15-136.2,
32 and an annuity from employer contributions of an amount
33 equal to that which can be provided on an actuarially
34 equivalent basis from the employee contribution for early

1 retirement under Section 15-136.2.

2 In no event shall a retirement annuity under this Rule 5
3 be lower than the amount obtained by adding (1) the monthly
4 amount obtained by dividing the combined employee and
5 employer contributions made under Section 15-136.2 by the
6 System's annuity factor for the age of the participant at the
7 beginning of the annuity payment period and (2) the amount
8 equal to the participant's annuity if calculated under Rule
9 1, reduced under Section 15-136(b) as if no contributions had
10 been made under Section 15-136.2.

11 With respect to a participant who is qualified for a
12 retirement annuity under this Rule 5 whose retirement annuity
13 began before the effective date of this amendatory Act of the
14 91st General Assembly, and for whom an employee contribution
15 was made under Section 15-136.2, the System shall recalculate
16 the retirement annuity under this Rule 5 and shall pay any
17 additional amounts due in the manner provided in Section
18 15-186.1 for benefits mistakenly set too low.

19 The amount of a retirement annuity calculated under this
20 Rule 5 shall be computed solely on the basis of those
21 contributions specifically set forth in this Rule 5. Except
22 as provided in clause (iii) of this Rule 5, neither an
23 employee nor employer contribution for early retirement under
24 Section 15-136.2, nor any other employer contribution, shall
25 be used in the calculation of the amount of a retirement
26 annuity under this Rule 5.

27 The General Assembly has adopted the changes set forth in
28 Section 25 of this amendatory Act of the 91st General
29 Assembly in recognition that the decision of the Appellate
30 Court for the Fourth District in *Mattis v. State Universities
31 Retirement System et al.* might be deemed to give some right
32 to the plaintiff in that case. The changes made by Section
33 25 of this amendatory Act of the 91st General Assembly are a
34 legislative implementation of the decision of the Appellate

1 Court for the Fourth District in *Mattis v. State Universities*
2 *Retirement System et al.* with respect to that plaintiff.

3 The changes made by Section 25 of this amendatory Act of
4 the 91st General Assembly apply without regard to whether the
5 person is in service as an employee on or after its effective
6 date.

7 (b) The retirement annuity provided under Rules 1 and 3
8 above shall be reduced by $1/2$ of 1% for each month the
9 participant is under age 60 at the time of retirement.
10 However, this reduction shall not apply in the following
11 cases:

12 (1) For a disabled participant whose disability
13 benefits have been discontinued because he or she has
14 exhausted eligibility for disability benefits under
15 clause (6) of Section 15-152;

16 (2) For a participant who has at least the number
17 of years of service required to retire at any age under
18 subsection (a) of Section 15-135; or

19 (3) For that portion of a retirement annuity which
20 has been provided on account of service of the
21 participant during periods when he or she performed the
22 duties of a police officer or firefighter, if these
23 duties were performed for at least 5 years immediately
24 preceding the date the retirement annuity is to begin.

25 (c) The maximum retirement annuity provided under Rules
26 1, 2, 4, and 5 shall be the lesser of (1) the annual limit of
27 benefits as specified in Section 415 of the Internal Revenue
28 Code of 1986, as such Section may be amended from time to
29 time and as such benefit limits shall be adjusted by the
30 Commissioner of Internal Revenue, and (2) 80% of final rate
31 of earnings.

32 (d) An annuitant whose status as an employee terminates
33 after August 14, 1969 shall receive automatic increases in
34 his or her retirement annuity as follows:

1 Effective January 1 immediately following the date the
2 retirement annuity begins, the annuitant shall receive an
3 increase in his or her monthly retirement annuity of 0.125%
4 of the monthly retirement annuity provided under Rule 1, Rule
5 2, Rule 3, Rule 4, or Rule 5, contained in this Section,
6 multiplied by the number of full months which elapsed from
7 the date the retirement annuity payments began to January 1,
8 1972, plus 0.1667% of such annuity, multiplied by the number
9 of full months which elapsed from January 1, 1972, or the
10 date the retirement annuity payments began, whichever is
11 later, to January 1, 1978, plus 0.25% of such annuity
12 multiplied by the number of full months which elapsed from
13 January 1, 1978, or the date the retirement annuity payments
14 began, whichever is later, to the effective date of the
15 increase.

16 The annuitant shall receive an increase in his or her
17 monthly retirement annuity on each January 1 thereafter
18 during the annuitant's life of 3% of the monthly annuity
19 provided under Rule 1, Rule 2, Rule 3, Rule 4, or Rule 5
20 contained in this Section. The change made under this
21 subsection by P.A. 81-970 is effective January 1, 1980 and
22 applies to each annuitant whose status as an employee
23 terminates before or after that date.

24 Beginning January 1, 1990, all automatic annual increases
25 payable under this Section shall be calculated as a
26 percentage of the total annuity payable at the time of the
27 increase, including all increases previously granted under
28 this Article.

29 The change made in this subsection by P.A. 85-1008 is
30 effective January 26, 1988, and is applicable without regard
31 to whether status as an employee terminated before that date.

32 (e) If, on January 1, 1987, or the date the retirement
33 annuity payment period begins, whichever is later, the sum of
34 the retirement annuity provided under Rule 1 or Rule 2 of

1 this Section and the automatic annual increases provided
2 under the preceding subsection or Section 15-136.1, amounts
3 to less than the retirement annuity which would be provided
4 by Rule 3, the retirement annuity shall be increased as of
5 January 1, 1987, or the date the retirement annuity payment
6 period begins, whichever is later, to the amount which would
7 be provided by Rule 3 of this Section. Such increased amount
8 shall be considered as the retirement annuity in determining
9 benefits provided under other Sections of this Article. This
10 paragraph applies without regard to whether status as an
11 employee terminated before the effective date of this
12 amendatory Act of 1987, provided that the annuitant was
13 employed at least one-half time during the period on which
14 the final rate of earnings was based.

15 (f) A participant is entitled to such additional annuity
16 as may be provided on an actuarially equivalent basis, by any
17 accumulated additional contributions to his or her credit.
18 However, the additional contributions made by the participant
19 toward the automatic increases in annuity provided under this
20 Section shall not be taken into account in determining the
21 amount of such additional annuity.

22 (g) If, (1) by law, a function of a governmental unit,
23 as defined by Section 20-107 of this Code, is transferred in
24 whole or in part to an employer, and (2) a participant
25 transfers employment from such governmental unit to such
26 employer within 6 months after the transfer of the function,
27 and (3) the sum of (A) the annuity payable to the participant
28 under Rule 1, 2, or 3 of this Section (B) all proportional
29 annuities payable to the participant by all other retirement
30 systems covered by Article 20, and (C) the initial primary
31 insurance amount to which the participant is entitled under
32 the Social Security Act, is less than the retirement annuity
33 which would have been payable if all of the participant's
34 pension credits validated under Section 20-109 had been

1 validated under this system, a supplemental annuity equal to
2 the difference in such amounts shall be payable to the
3 participant.

4 (h) On January 1, 1981, an annuitant who was receiving a
5 retirement annuity on or before January 1, 1971 shall have
6 his or her retirement annuity then being paid increased \$1
7 per month for each year of creditable service. On January 1,
8 1982, an annuitant whose retirement annuity began on or
9 before January 1, 1977, shall have his or her retirement
10 annuity then being paid increased \$1 per month for each year
11 of creditable service.

12 (i) On January 1, 1987, any annuitant whose retirement
13 annuity began on or before January 1, 1977, shall have the
14 monthly retirement annuity increased by an amount equal to 8¢
15 per year of creditable service times the number of years that
16 have elapsed since the annuity began.

17 (Source: P.A. 90-14, eff. 7-1-97; 90-65, eff. 7-7-97; 90-448,
18 eff. 8-16-97; 90-576, eff. 3-31-98; 90-655, eff. 7-30-98;
19 90-766, eff. 8-14-98; 91-887 (Sections 20 and 25), eff.
20 7-6-00; revised 8-31-00.)

21 (40 ILCS 5/15-139) (from Ch. 108 1/2, par. 15-139)
22 Sec. 15-139. Retirement annuities; cancellation;
23 suspended during employment.

24 (a) If an annuitant returns to employment for an
25 employer within 60 days after the beginning of the retirement
26 annuity payment period, the retirement annuity shall be
27 cancelled, and the annuitant shall refund to the System the
28 total amount of the retirement annuity payments which he or
29 she received. If the retirement annuity is cancelled, the
30 participant shall continue to participate in the System.

31 (b) If an annuitant retires prior to age 60 and receives
32 or becomes entitled to receive during any month compensation
33 in excess of the monthly retirement annuity (including any

1 automatic annual increases) for services performed after the
2 date of retirement for any employer under this System, that
3 portion of the monthly retirement annuity provided by
4 employer contributions shall not be payable.

5 If an annuitant retires at age 60 or over and receives or
6 becomes entitled to receive during any academic year
7 compensation in excess of the difference between his or her
8 highest annual earnings prior to retirement and his or her
9 annual retirement annuity computed under Rule 1, Rule 2, Rule
10 3, Rule 4, or Rule 5 of Section 15-136, or under Section
11 15-136.4, for services performed after the date of retirement
12 for any employer under this System, that portion of the
13 monthly retirement annuity provided by employer contributions
14 shall be reduced by an amount equal to the compensation that
15 exceeds such difference.

16 However, any remuneration received for serving as a
17 member of the Illinois Educational Labor Relations Board
18 shall be excluded from "compensation" for the purposes of
19 this subsection (b), and serving as a member of the Illinois
20 Educational Labor Relations Board shall not be deemed to be a
21 return to employment for the purposes of this Section. This
22 provision applies without regard to whether service was
23 terminated prior to the effective date of this amendatory Act
24 of 1991.

25 (c) If an employer certifies that an annuitant has been
26 reemployed on a permanent and continuous basis or in a
27 position in which the annuitant is expected to serve for at
28 least 9 months, the annuitant shall resume his or her status
29 as a participating employee and shall be entitled to all
30 rights applicable to participating employees upon filing with
31 the board an election to forego all annuity payments during
32 the period of reemployment. Upon subsequent retirement, the
33 retirement annuity shall consist of the annuity which was
34 terminated by the reemployment, plus the additional

1 retirement annuity based upon service granted during the
2 period of reemployment, but the combined retirement annuity
3 shall not exceed the maximum annuity applicable on the date
4 of the last retirement.

5 The total service and earnings credited before and after
6 the initial date of retirement shall be considered in
7 determining eligibility of the employee or the employee's
8 beneficiary to benefits under this Article, and in
9 calculating final rate of earnings.

10 In determining the death benefit payable to a beneficiary
11 of an annuitant who again becomes a participating employee
12 under this Section, accumulated normal and additional
13 contributions shall be considered as the sum of the
14 accumulated normal and additional contributions at the date
15 of initial retirement and the accumulated normal and
16 additional contributions credited after that date, less the
17 sum of the annuity payments received by the annuitant.

18 The survivors insurance benefits provided under Section
19 15-145 shall not be applicable to an annuitant who resumes
20 his or her status as a participating employee, unless the
21 annuitant, at the time of initial retirement, has a survivors
22 insurance beneficiary who could qualify for such benefits.

23 If the annuitant's employment is terminated because of
24 circumstances other than death before 9 months from the date
25 of reemployment, the provisions of this Section regarding
26 resumption of status as a participating employee shall not
27 apply. The normal and survivors insurance contributions which
28 are deducted during this period shall be refunded to the
29 annuitant without interest, and subsequent benefits under
30 this Article shall be the same as those which were applicable
31 prior to the date the annuitant resumed employment.

32 The amendments made to this Section by this amendatory
33 Act of the 91st General Assembly apply without regard to
34 whether the annuitant was in service on or after the

1 effective date of this amendatory Act.

2 (Source: P.A. 91-887 (Sections 10 and 25), eff. 7-6-00;
3 revised 9-1-00.)

4 (40 ILCS 5/15-154) (from Ch. 108 1/2, par. 15-154)
5 Sec. 15-154. Refunds.

6 (a) A participant whose status as an employee is
7 terminated, regardless of cause, or who has been on lay off
8 status for more than 120 days, and who is not on leave of
9 absence, is entitled to a refund of contributions upon
10 application; except that not more than one such refund
11 application may be made during any academic year.

12 Except as set forth in subsections (a-1) and (a-2), the
13 refund shall be the sum of the accumulated normal, additional
14 and survivors insurance contributions, less the amount of
15 interest credited on these contributions each year in excess
16 of 4 1/2% of the amount on which interest was calculated.

17 (a-1) A person who elects, in accordance with the
18 requirements of Section 15-134.5, to participate in the
19 portable benefit package and who becomes a participating
20 employee under that retirement program upon the conclusion of
21 the one-year waiting period applicable to the portable
22 benefit package election shall have his or her refund
23 calculated in accordance with the provisions of subsection
24 (a-2).

25 (a-2) The refund payable to a participant described in
26 subsection (a-1) shall be the sum of the participant's
27 accumulated normal and additional contributions, as defined
28 in Sections 15-116 and 15-117. If the participant terminates
29 with 5 or more years of service for employment as defined in
30 Section 15-113.1, he or she shall also be entitled to a
31 distribution of employer contributions in an amount equal to
32 the sum of the accumulated normal and additional
33 contributions, as defined in Sections 15-116 and 15-117.

1 (b) Upon acceptance of a refund, the participant
2 forfeits all accrued rights and credits in the System, and if
3 subsequently reemployed, the participant shall be considered
4 a new employee subject to all the qualifying conditions for
5 participation and eligibility for benefits applicable to new
6 employees. If such person again becomes a participating
7 employee and continues as such for 2 years, or is employed by
8 an employer and participates for at least 2 years in the
9 Federal Civil Service Retirement System, all such rights,
10 credits, and previous status as a participant shall be
11 restored upon repayment of the amount of the refund, together
12 with compound interest thereon from the date the refund was
13 received to the date of repayment at the rate of 6% per annum
14 through August 31, 1982, and at the effective rates after
15 that date.

16 (c) If a participant covered under the traditional
17 benefit package has made survivors insurance contributions,
18 but has no survivors insurance beneficiary upon retirement,
19 he or she shall be entitled to elect a refund of the
20 accumulated survivors insurance contributions, or to elect an
21 additional annuity the value of which is equal to the
22 accumulated survivors insurance contributions. This election
23 must be made prior to the date the person's retirement
24 annuity is approved by the Board of Trustees.

25 (d) A participant, upon application, is entitled to a
26 refund of his or her accumulated additional contributions
27 attributable to the additional contributions described in the
28 last sentence of subsection (c) of Section 15-157. Upon the
29 acceptance of such a refund of accumulated additional
30 contributions, the participant forfeits all rights and
31 credits which may have accrued because of such contributions.

32 (e) A participant who terminates his or her employee
33 status and elects to waive service credit under Section
34 15-154.2, is entitled to a refund of the accumulated normal,

1 additional and survivors insurance contributions, if any,
2 which were credited the participant for this service, or to
3 an additional annuity the value of which is equal to the
4 accumulated normal, additional and survivors insurance
5 contributions, if any; except that not more than one such
6 refund application may be made during any academic year. Upon
7 acceptance of this refund, the participant forfeits all
8 rights and credits accrued because of this service.

9 (f) If a police officer or firefighter receives a
10 retirement annuity under Rule 1 or 3 of Section 15-136, he or
11 she shall be entitled at retirement to a refund of the
12 difference between his or her accumulated normal
13 contributions and the normal contributions which would have
14 accumulated had such person filed a waiver of the retirement
15 formula provided by Rule 4 of Section 15-136.

16 (g) If, at the time of retirement, a participant would
17 be entitled to a retirement annuity under Rule 1, 2, 3, 4, or
18 5 of Section 15-136, or under Section 15-136.4, that exceeds
19 the maximum specified in clause (1) of subsection (c) of
20 Section 15-136, he or she shall be entitled to a refund of
21 the employee contributions, if any, paid under Section 15-157
22 after the date upon which continuance of such contributions
23 would have otherwise caused the retirement annuity to exceed
24 this maximum, plus compound interest at the effective rates.

25 (Source: P.A. 90-448, eff. 8-16-97; 90-576, eff. 3-31-98;
26 90-766, eff. 8-14-98; 91-887 (Sections 10 and 25), eff.
27 7-6-00; revised 9-1-00.)

28 (40 ILCS 5/16-138) (from Ch. 108 1/2, par. 16-138)
29 Sec. 16-138. Refund of contributions upon death of
30 member or annuitant. Upon the death of a member or
31 annuitant, the following amount shall be payable (i) to a
32 beneficiary nominated by written designation of the member or
33 annuitant filed with the system, or (ii) if no beneficiary is

1 nominated, to the surviving spouse, or (iii) if no
2 beneficiary is nominated and there is no surviving spouse, to
3 the decedent's estate, upon receipt of proper proof of death:

4 (1) Upon the death of a member, an amount consisting of
5 the sum of the following: (A) the member's accumulated
6 contributions; (B) the sum of the contributions made by the
7 member toward the cost of the automatic increase in annuity
8 under Section 16-152, without interest thereon; and (C)
9 contributions made by the member toward prior service,
10 without interest thereon.

11 (2) Upon the death of an annuitant, unless a
12 reversionary annuity is payable under Section 16-136, an
13 amount determined by subtracting the total amount of monthly
14 annuity payments received as a result of the deceased
15 annuitant's retirement from the sum of: (A) the accumulated
16 contributions at retirement; (B) the sum of the contributions
17 made by the deceased toward the cost of the automatic
18 increase in annuity under Section ~~16-152~~ ~~16-151~~, without
19 interest thereon; and (C) any contributions made by the
20 deceased for prior service or other purposes, exclusive of
21 contributions toward the cost of the automatic increase in
22 annuity, without interest thereon.

23 (Source: P.A. 91-887, eff. 7-6-00; revised 9-5-00.)

24 Section 41. The Public Building Commission Act is
25 amended by changing Section 18 as follows:

26 (50 ILCS 20/18) (from Ch. 85, par. 1048)

27 Sec. 18. Whenever, and as often as, a municipal
28 corporation having taxing power enters into a lease with a
29 Public Building Commission, the governing body of such
30 municipal corporation shall provide by ordinance or
31 resolution, as the case may be, for the levy and collection
32 of a direct annual tax sufficient to pay the annual rent

1 payable under such lease as and when it becomes due and
2 payable. A certified copy of the lease of such municipal
3 corporation and a certified copy of the tax levying ordinance
4 or resolution, as the case may be, of such municipal
5 corporation shall be filed in the office of the county clerk
6 in each county in which any portion of the territory of such
7 municipal corporation is situated, which certified copies
8 shall constitute the authority for the county clerk or
9 clerks, in each case, to extend the taxes annually necessary
10 to pay the annual rent payable under such lease as and when
11 it becomes due and payable. No taxes shall be extended for
12 any lease entered into after the effective date of this
13 amendatory Act of 1993, however, until after a public hearing
14 on the lease. The clerk or secretary of the governing body of
15 the municipal corporation shall cause notice of the time and
16 place of the hearing to be published at least once, at least
17 15 days before the hearing, in a newspaper published or
18 having general circulation within the municipal corporation.
19 If no such newspaper exists, the clerk or secretary shall
20 cause the notice to be posted, at least 15 days before the
21 hearing, in at least 10 conspicuous places within the
22 municipal corporation. The notice shall be in the following
23 form:

24 NOTICE OF PUBLIC HEARING ON LEASE between (name of the
25 municipal corporation) and (name of the public building
26 commission).

27 A public hearing regarding a lease between (name of the
28 municipal corporation) and (name of the public building
29 commission) will be held by (name of the governing body of
30 the municipal corporation) on (date) at (time) at (location).
31 The largest yearly rental payment set forth in the lease is
32 (\$ amount). The maximum length of the lease is (years).

33 The purpose of the lease is (explain in 25 words or
34 less).

1 Dated (insert date). this-----day-of----

2 By Order of (name of the governing body
3 of the Municipal Corporation)
4 /s/.....
5 Clerk or Secretary

6 At the hearing, all persons residing or owning property
7 in the municipal corporation shall have an opportunity to be
8 heard orally, in writing, or both.

9 Upon the filing of the certified copies of the lease and
10 the tax levying ordinance or resolution in the office of the
11 county clerk or clerks of the proper county or counties, it
12 shall be the duty of such county clerk or clerks to ascertain
13 the rate per cent which, upon the value of all property
14 subject to taxation within the municipal corporation, as that
15 property is assessed or equalized by the Department of
16 Revenue, will produce a net amount of not less than the
17 amount of the annual rent reserved in such lease. The county
18 clerk or clerks shall thereupon, and thereafter annually
19 during the term of the lease, extend taxes against all of the
20 taxable property contained in that municipal corporation
21 sufficient to pay the annual rental reserved in such lease.
22 Such tax shall be levied and collected in like manner with
23 the other taxes of such municipal corporation and shall be in
24 addition to all other taxes now or hereafter authorized to be
25 levied by that municipal corporation. This tax shall not be
26 included within any statutory limitation of rate or amount
27 for that municipal corporation but shall be excluded
28 therefrom and be in addition thereto and in excess thereof.
29 The fund realized from such tax levy shall be set aside for
30 the payment of the annual rent and shall not be disbursed for
31 any other purpose until the annual rental has been paid in
32 full. This Section shall not be construed to limit the power
33 of the Commission to enter into leases with any municipal
34 corporation whether or not the municipal corporation has the

1 power of taxation.

2 (Source: P.A. 87-1208; 87-1279; revised 1-10-00.)

3 Section 42. The Local Records Act is amended by changing
4 Section 3b as follows:

5 (50 ILCS 205/3b)

6 Sec. 3b. Arrest reports.

7 (a) When an individual is arrested, the following
8 information must be made available to the news media for
9 inspection and copying:

10 (1) Information that identifies the individual
11 person, including the name, age, address, and photograph,
12 when and if available.

13 (2) Information detailing any charges relating to
14 the arrest.

15 (3) The time and location of the arrest.

16 (4) The name of the investigating or arresting law
17 enforcement agency.

18 (5) If the individual is incarcerated, the amount
19 of any bail or bond.

20 (6) If the individual is incarcerated, the time and
21 date that the individual was received, discharged, or
22 transferred from the arresting agency's custody.

23 (b) The information required by this Section must be
24 made available to the news media for inspection and copying
25 as soon as practicable, but in no event shall the time period
26 exceed 72 hours from the arrest. The information described
27 in paragraphs (3), (4), (5), and (6) ~~37--47--57--and--6~~ of
28 subsection (a), however, may be withheld if it is determined
29 that disclosure would:

30 (1) interfere with pending or actually and
31 reasonably contemplated law enforcement proceedings
32 conducted by any law enforcement or correctional agency;

1 (2) endanger the life or physical safety of law
2 enforcement or correctional personnel or any other
3 person; or

4 (3) compromise the security of any correctional
5 facility.

6 (c) For the purposes of this Section the term "news
7 media" means personnel of a newspaper or other periodical
8 issued at regular intervals, a news service, a radio station,
9 a television station, a community antenna television service,
10 or a person or corporation engaged in making news reels or
11 other motion picture news for public showing.

12 (d) Each law enforcement or correctional agency may
13 charge fees for arrest records, but in no instance may the
14 fee exceed the actual cost of copying and reproduction. The
15 fees may not include the cost of the labor used to reproduce
16 the arrest record.

17 (e) The provisions of this Section do not supersede the
18 confidentiality provisions for arrest records of the Juvenile
19 Court Act of 1987.

20 (Source: P.A. 91-309, eff. 7-29-99; revised 11-3-99.)

21 Section 43. The Emergency Telephone System Act is
22 amended by changing Section 15.6 as follows:

23 (50 ILCS 750/15.6)

24 Sec. 15.6. Enhanced 9-1-1 service; business service.

25 (a) After June 30, 2000, or within 18 months after
26 enhanced 9-1-1 service becomes available, any entity that
27 installs or operates a private business switch service and
28 provides telecommunications facilities or services to
29 businesses shall assure that the system is connected to the
30 public switched network in a manner that calls to 9-1-1
31 result in automatic number and location identification. For
32 buildings having their own street address and containing

1 workspace of 40,000 square feet or less, location
2 identification shall include the building's street address.
3 For buildings having their own street address and containing
4 workspace of more than 40,000 square feet, location
5 identification shall include the building's street address
6 and one distinct location identification per 40,000 square
7 feet of workspace. Separate buildings containing workspace of
8 40,000 square feet or less having a common public street
9 address shall have a distinct location identification for
10 each building in addition to the street address.

11 (b) Exemptions. Buildings containing workspace of more
12 than 40,000 square feet are exempt from the multiple location
13 identification requirements of subsection (a) if the building
14 maintains, at all times, alternative and adequate means of
15 signaling and responding to emergencies. Those means shall
16 include, but not be limited to, a telephone system that
17 provides the physical location of 9-1-1 calls coming from
18 within the building. Health care facilities are presumed to
19 meet the requirements of this paragraph if the facilities are
20 staffed with medical or nursing personnel 24 hours per day
21 and if an alternative means of providing information about
22 the source of an emergency call exists. Buildings under this
23 exemption must provide 9-1-1 service that provides the
24 building's street address.

25 Buildings containing workspace of more than 40,000 square
26 feet are exempt from subsection (a) if the building
27 maintains, at all times, alternative and adequate means of
28 signaling and responding to emergencies, including a
29 telephone system that provides the location of a 9-1-1 call
30 coming from within the building, and the building is serviced
31 by its own medical, fire and security personnel. Buildings
32 under this exemption are subject to emergency phone system
33 certification by the Illinois Commerce Commission.

34 Buildings in communities not serviced by enhanced 9-1-1

1 service are exempt from subsection (a). 2000

2 (c) This Act does not apply to any PBX telephone
3 extension that uses radio transmissions to convey electrical
4 signals directly between the telephone extension and the
5 serving PBX.

6 (d) An entity that violates this Section is guilty of a
7 business offense and shall be fined not less than \$1,000 and
8 not more than \$5,000.

9 (e) Nothing in this Section shall be construed to
10 preclude the Attorney General on behalf of the Commission or
11 on his or her own initiative, or any other interested person,
12 from seeking judicial relief, by mandamus, injunction, or
13 otherwise, to compel compliance with this Section.

14 (f) The Commission shall promulgate rules for the
15 administration of this Section no later than January 1, 2000.
16 (Source: P.A. 90-819, eff. 3-23-99; 91-518, eff. 8-13-99;
17 revised 10-20-99.)

18 Section 44. The Counties Code is amended by changing
19 Section 3-5018 as follows:

20 (55 ILCS 5/3-5018) (from Ch. 34, par. 3-5018)

21 (Text of Section before amendment by P.A. 91-893)

22 Sec. 3-5018. Fees. The recorder elected as provided for
23 in this Division shall receive such fees as are or may be
24 provided for him by law, in case of provision therefor:
25 otherwise he shall receive the same fees as are or may be
26 provided in this Section, except when increased by county
27 ordinance pursuant to the provisions of this Section, to be
28 paid to the county clerk for his services in the office of
29 recorder for like services. No filing fee shall be charged
30 for providing informational copies of financing statements to
31 the recorder pursuant to subsection (8) of Section 9-403 of
32 the Uniform Commercial Code.

1 For recording deeds or other instruments \$12 for the
2 first 4 pages thereof, plus \$1 for each additional page
3 thereof, plus \$1 for each additional document number therein
4 noted. The aggregate minimum fee for recording any one
5 instrument shall not be less than \$12.

6 For recording deeds or other instruments wherein the
7 premises affected thereby are referred to by document number
8 and not by legal description a fee of \$1 in addition to that
9 hereinabove referred to for each document number therein
10 noted.

11 For recording assignments of mortgages, leases or liens
12 \$12 for the first 4 pages thereof, plus \$1 for each
13 additional page thereof. However, except for leases and
14 liens pertaining to oil, gas and other minerals, whenever a
15 mortgage, lease or lien assignment assigns more than one
16 mortgage, lease or lien document, a \$7 fee shall be charged
17 for the recording of each such mortgage, lease or lien
18 document after the first one.

19 For recording maps or plats of additions or subdivisions
20 approved by the county or municipality (including the
21 spreading of the same of record in map case or other proper
22 books) or plats of condominiums \$50 for the first page, plus
23 \$1 for each additional page thereof except that in the case
24 of recording a single page, legal size 8 1/2 x 14, plat of
25 survey in which there are no more than two lots or parcels of
26 land, the fee shall be \$12. In each county where such maps
27 or plats are to be recorded, the recorder may require the
28 same to be accompanied by such number of exact, true and
29 legible copies thereof as the recorder deems necessary for
30 the efficient conduct and operation of his office.

31 For certified copies of records the same fees as for
32 recording, but in no case shall the fee for a certified copy
33 of a map or plat of an addition, subdivision or otherwise
34 exceed \$10.

1 Each certificate of such recorder of the recording of the
2 deed or other writing and of the date of recording the same
3 signed by such recorder, shall be sufficient evidence of the
4 recording thereof, and such certificate including the
5 indexing of record, shall be furnished upon the payment of
6 the fee for recording the instrument, and no additional fee
7 shall be allowed for the certificate or indexing.

8 The recorder shall charge an additional fee, in an amount
9 equal to the fee otherwise provided by law, for recording a
10 document (other than a document filed under the Plat Act or
11 the Uniform Commercial Code) that does not conform to the
12 following standards:

13 (1) The document shall consist of one or more
14 individual sheets measuring 8.5 inches by 11 inches, not
15 permanently bound and not a continuous form. Graphic
16 displays accompanying a document to be recorded that
17 measure up to 11 inches by 17 inches shall be recorded
18 without charging an additional fee.

19 (2) The document shall be legibly printed in black
20 ink, by hand, type, or computer. Signatures and dates
21 may be in contrasting colors if they will reproduce
22 clearly.

23 (3) The document shall be on white paper of not
24 less than 20-pound weight and shall have a clean margin
25 of at least one-half inch on the top, the bottom, and
26 each side. Margins may be used for non-essential
27 notations that will not affect the validity of the
28 document, including but not limited to form numbers, page
29 numbers, and customer notations.

30 (4) The first page of the document shall contain a
31 blank space, measuring at least 3 inches by 5 inches,
32 from the upper right corner.

33 (5) The document shall not have any attachment
34 stapled or otherwise affixed to any page.

1 A document that does not conform to these standards shall not
2 be recorded except upon payment of the additional fee
3 required under this paragraph. This paragraph, as amended by
4 this amendatory Act of 1995, applies only to documents dated
5 after the effective date of this amendatory Act of 1995.

6 The county board of any county may provide for an
7 additional charge of \$3 for filing every instrument, paper,
8 or notice for record, in order to defray the cost of
9 converting the county recorder's document storage system to
10 computers or micrographics.

11 A special fund shall be set up by the treasurer of the
12 county and such funds collected pursuant to Public Act
13 83-1321 shall be used solely for a document storage system to
14 provide the equipment, materials and necessary expenses
15 incurred to help defray the costs of implementing and
16 maintaining such a document records system.

17 The county board of any county that provides and
18 maintains a countywide map through a Geographic Information
19 System (GIS) may provide for an additional charge of \$3 for
20 filing every instrument, paper, or notice for record in order
21 to defray the cost of implementing or maintaining the
22 county's Geographic Information System. Of that amount, \$2
23 must be deposited into a special fund set up by the treasurer
24 of the county, and any moneys collected pursuant to this
25 amendatory Act of the 91st General Assembly and deposited
26 into that fund must be used solely for the equipment,
27 materials, and necessary expenses incurred in implementing
28 and maintaining a Geographic Information System. The
29 remaining \$1 must be deposited into the recorder's special
30 funds created under Section 3-5005.4. The recorder may, in
31 his or her discretion, use moneys in the funds created under
32 Section 3-5005.4 to defray the cost of implementing or
33 maintaining the county's Geographic Information System.

34 The foregoing fees allowed by this Section are the

1 maximum fees that may be collected from any officer, agency,
2 department or other instrumentality of the State. The county
3 board may, however, by ordinance, increase the fees allowed
4 by this Section and collect such increased fees from all
5 persons and entities other than officers, agencies,
6 departments and other instrumentalities of the State if the
7 increase is justified by an acceptable cost study showing
8 that the fees allowed by this Section are not sufficient to
9 cover the cost of providing the service.

10 A statement of the costs of providing each service,
11 program and activity shall be prepared by the county board.
12 All supporting documents shall be public record and subject
13 to public examination and audit. All direct and indirect
14 costs, as defined in the United States Office of Management
15 and Budget Circular A-87, may be included in the
16 determination of the costs of each service, program and
17 activity.

18 (Source: P.A. 90-300, eff. 1-1-98; 91-791, eff. 6-9-00;
19 91-886, eff. 1-1-01.)

20 (Text of Section after amendment by P.A. 91-893)

21 Sec. 3-5018. Fees. The recorder elected as provided for
22 in this Division shall receive such fees as are or may be
23 provided for him by law, in case of provision therefor:
24 otherwise he shall receive the same fees as are or may be
25 provided in this Section, except when increased by county
26 ordinance pursuant to the provisions of this Section, to be
27 paid to the county clerk for his services in the office of
28 recorder for like services.

29 For recording deeds or other instruments \$12 for the
30 first 4 pages thereof, plus \$1 for each additional page
31 thereof, plus \$1 for each additional document number therein
32 noted. The aggregate minimum fee for recording any one
33 instrument shall not be less than \$12.

34 For recording deeds or other instruments wherein the

1 premises affected thereby are referred to by document number
2 and not by legal description a fee of \$1 in addition to that
3 hereinabove referred to for each document number therein
4 noted.

5 For recording assignments of mortgages, leases or liens
6 \$12 for the first 4 pages thereof, plus \$1 for each
7 additional page thereof. However, except for leases and
8 liens pertaining to oil, gas and other minerals, whenever a
9 mortgage, lease or lien assignment assigns more than one
10 mortgage, lease or lien document, a \$7 fee shall be charged
11 for the recording of each such mortgage, lease or lien
12 document after the first one.

13 For recording maps or plats of additions or subdivisions
14 approved by the county or municipality (including the
15 spreading of the same of record in map case or other proper
16 books) or plats of condominiums \$50 for the first page, plus
17 \$1 for each additional page thereof except that in the case
18 of recording a single page, legal size 8 1/2 x 14, plat of
19 survey in which there are no more than two lots or parcels of
20 land, the fee shall be \$12. In each county where such maps
21 or plats are to be recorded, the recorder may require the
22 same to be accompanied by such number of exact, true and
23 legible copies thereof as the recorder deems necessary for
24 the efficient conduct and operation of his office.

25 For certified copies of records the same fees as for
26 recording, but in no case shall the fee for a certified copy
27 of a map or plat of an addition, subdivision or otherwise
28 exceed \$10.

29 Each certificate of such recorder of the recording of the
30 deed or other writing and of the date of recording the same
31 signed by such recorder, shall be sufficient evidence of the
32 recording thereof, and such certificate including the
33 indexing of record, shall be furnished upon the payment of
34 the fee for recording the instrument, and no additional fee

1 shall be allowed for the certificate or indexing.

2 The recorder shall charge an additional fee, in an amount
3 equal to the fee otherwise provided by law, for recording a
4 document (other than a document filed under the Plat Act or
5 the Uniform Commercial Code) that does not conform to the
6 following standards:

7 (1) The document shall consist of one or more
8 individual sheets measuring 8.5 inches by 11 inches, not
9 permanently bound and not a continuous form. Graphic
10 displays accompanying a document to be recorded that
11 measure up to 11 inches by 17 inches shall be recorded
12 without charging an additional fee.

13 (2) The document shall be legibly printed in black
14 ink, by hand, type, or computer. Signatures and dates
15 may be in contrasting colors if they will reproduce
16 clearly.

17 (3) The document shall be on white paper of not
18 less than 20-pound weight and shall have a clean margin
19 of at least one-half inch on the top, the bottom, and
20 each side. Margins may be used for non-essential
21 notations that will not affect the validity of the
22 document, including but not limited to form numbers, page
23 numbers, and customer notations.

24 (4) The first page of the document shall contain a
25 blank space, measuring at least 3 inches by 5 inches,
26 from the upper right corner.

27 (5) The document shall not have any attachment
28 stapled or otherwise affixed to any page.

29 A document that does not conform to these standards shall not
30 be recorded except upon payment of the additional fee
31 required under this paragraph. This paragraph, as amended by
32 this amendatory Act of 1995, applies only to documents dated
33 after the effective date of this amendatory Act of 1995.

34 The county board of any county may provide for an

1 additional charge of \$3 for filing every instrument, paper,
2 or notice for record, in order to defray the cost of
3 converting the county recorder's document storage system to
4 computers or micrographics.

5 A special fund shall be set up by the treasurer of the
6 county and such funds collected pursuant to Public Act
7 83-1321 shall be used solely for a document storage system to
8 provide the equipment, materials and necessary expenses
9 incurred to help defray the costs of implementing and
10 maintaining such a document records system.

11 The county board of any county that provides and
12 maintains a countywide map through a Geographic Information
13 System (GIS) may provide for an additional charge of \$3 for
14 filing every instrument, paper, or notice for record in order
15 to defray the cost of implementing or maintaining the
16 county's Geographic Information System. Of that amount, \$2
17 must be deposited into a special fund set up by the treasurer
18 of the county, and any moneys collected pursuant to this
19 amendatory Act of the 91st General Assembly and deposited
20 into that fund must be used solely for the equipment,
21 materials, and necessary expenses incurred in implementing
22 and maintaining a Geographic Information System. The
23 remaining \$1 must be deposited into the recorder's special
24 funds created under Section 3-5005.4. The recorder may, in
25 his or her discretion, use moneys in the funds created under
26 Section 3-5005.4 to defray the cost of implementing or
27 maintaining the county's Geographic Information System.

28 The foregoing fees allowed by this Section are the
29 maximum fees that may be collected from any officer, agency,
30 department or other instrumentality of the State. The county
31 board may, however, by ordinance, increase the fees allowed
32 by this Section and collect such increased fees from all
33 persons and entities other than officers, agencies,
34 departments and other instrumentalities of the State if the

1 increase is justified by an acceptable cost study showing
2 that the fees allowed by this Section are not sufficient to
3 cover the cost of providing the service.

4 A statement of the costs of providing each service,
5 program and activity shall be prepared by the county board.
6 All supporting documents shall be public record and subject
7 to public examination and audit. All direct and indirect
8 costs, as defined in the United States Office of Management
9 and Budget Circular A-87, may be included in the
10 determination of the costs of each service, program and
11 activity.

12 (Source: P.A. 90-300, eff. 1-1-98; 91-791, eff. 6-9-00;
13 91-886, eff. 1-1-01; 91-893, eff. 7-1-01; revised 9-7-00.)

14 Section 44.5. The Township Code is amended by changing
15 Section 105-35 as follows:

16 (60 ILCS 1/105-35)

17 Sec. 105-35. Township plan commission.

18 (a) In townships located in counties with a population
19 of less than 600,000 and in townships with a population of
20 more than 500 located in counties with a population of or
21 more than 3,000,000, the township board may by resolution
22 create a township plan commission. The commission shall
23 consist of 5 members appointed by the township supervisor
24 with the advice and consent of the township board. Their
25 terms of office shall be prescribed by the township board.
26 The township supervisor shall designate one of the members as
27 chairman, and the plan commission may appoint other officers
28 it deems necessary and appropriate. The township board may
29 authorize a plan commission to have necessary staff and shall
30 pay the expenses of that staff.

31 (b) Every township plan commission may have the
32 following powers and duties:

1 (1) The commission may prepare and recommend to the
2 township board a comprehensive plan for the present and
3 future development or redevelopment of the unincorporated
4 areas of the township. The plan may be adopted in whole
5 or in separate geographical or functional parts, each of
6 which, when adopted, shall be the official plan, or part
7 of the official plan, of that township. The plan may
8 include reasonable requirements with reference to
9 streets, alleys, public grounds, and other improvements
10 specified in this Section. The plan may recommend (i)
11 establishing reasonable standards of design for
12 subdivisions and for resubdivisions of unimproved land
13 and of areas subject to redevelopment with respect to
14 public improvements as defined in this Section and (ii)
15 establishing reasonable requirements governing the
16 location, width, course, and surfacing of public streets
17 and highways, alleys, ways for public service facilities,
18 curbs, gutters, sidewalks, street lights, parks,
19 playgrounds, school grounds, size of lots to be used for
20 residential purposes, storm water drainage, water supply
21 and distribution, sanitary sewers, and sewage collection
22 and treatment.

23 (2) The commission may from time to time recommend
24 changes in the official comprehensive plan.

25 (3) The commission may from time to time prepare
26 and recommend to the township authorities plans for
27 specific improvements in pursuance of the official
28 comprehensive plan.

29 (4) The commission may give aid to the officials
30 charged with the direction of projects for improvements
31 embraced within the official plan to further the making
32 of these projects and, generally, may promote the
33 realization of the official comprehensive plan.

34 (5) The commission may prepare and recommend to the

1 township board schemes for regulating or forbidding
2 structures or activities in unincorporated areas that may
3 hinder access to solar energy necessary for the proper
4 functioning of solar energy systems, as defined in
5 Section 1.2 of the Comprehensive Solar Energy Act of
6 1977, or may recommend changes in those schemes.

7 (6) The commission may exercise other powers
8 germane to the powers granted by this Section that are
9 conferred by the township board.

10 (c) If the county in which the township is located has
11 adopted a county zoning ordinance under Division 5-12 of the
12 Counties Code, the recommendations of the township plan
13 commission may be presented by the township board to the
14 county board of that county.

15 (Source: P.A. 91-721, eff. 6-2-00; 91-738, eff. 1-1-01;
16 revised 6-27-00.)

17 Section 45. The Illinois Municipal Code is amended by
18 changing Sections 11-31-1, 11-74.4-4, and 11-74.4-8 as
19 follows:

20 (65 ILCS 5/11-31-1) (from Ch. 24, par. 11-31-1)

21 Sec. 11-31-1. Demolition, repair, enclosure, or
22 remediation.

23 (a) The corporate authorities of each municipality may
24 demolish, repair, or enclose or cause the demolition, repair,
25 or enclosure of dangerous and unsafe buildings or uncompleted
26 and abandoned buildings within the territory of the
27 municipality and may remove or cause the removal of garbage,
28 debris, and other hazardous, noxious, or unhealthy substances
29 or materials from those buildings. In any county having
30 adopted by referendum or otherwise a county health department
31 as provided by Division 5-25 of the Counties Code or its
32 predecessor, the county board of that county may exercise

1 those powers with regard to dangerous and unsafe buildings or
2 uncompleted and abandoned buildings within the territory of
3 any city, village, or incorporated town having less than
4 50,000 population.

5 The corporate authorities shall apply to the circuit
6 court of the county in which the building is located (i) for
7 an order authorizing action to be taken with respect to a
8 building if the owner or owners of the building, including
9 the lien holders of record, after at least 15 days' written
10 notice by mail so to do, have failed to put the building in a
11 safe condition or to demolish it or (ii) for an order
12 requiring the owner or owners of record to demolish, repair,
13 or enclose the building or to remove garbage, debris, and
14 other hazardous, noxious, or unhealthy substances or
15 materials from the building. It is not a defense to the
16 cause of action that the building is boarded up or otherwise
17 enclosed, although the court may order the defendant to have
18 the building boarded up or otherwise enclosed. Where, upon
19 diligent search, the identity or whereabouts of the owner or
20 owners of the building, including the lien holders of record,
21 is not ascertainable, notice mailed to the person or persons
22 in whose name the real estate was last assessed is sufficient
23 notice under this Section.

24 The hearing upon the application to the circuit court
25 shall be expedited by the court and shall be given precedence
26 over all other suits. Any person entitled to bring an action
27 under subsection (b) shall have the right to intervene in an
28 action brought under this Section.

29 The cost of the demolition, repair, enclosure, or removal
30 incurred by the municipality, by an intervenor, or by a lien
31 holder of record, including court costs, attorney's fees, and
32 other costs related to the enforcement of this Section, is
33 recoverable from the owner or owners of the real estate or
34 the previous owner or both if the property was transferred

1 during the 15 day notice period and is a lien on the real
2 estate; the lien is superior to all prior existing liens and
3 encumbrances, except taxes, if, within 180 days after the
4 repair, demolition, enclosure, or removal, the municipality,
5 the lien holder of record, or the intervenor who incurred the
6 cost and expense shall file a notice of lien for the cost and
7 expense incurred in the office of the recorder in the county
8 in which the real estate is located or in the office of the
9 registrar of titles of the county if the real estate affected
10 is registered under the Registered Titles (Torrens) Act.

11 The notice must consist of a sworn statement setting out
12 (1) a description of the real estate sufficient for its
13 identification, (2) the amount of money representing the cost
14 and expense incurred, and (3) the date or dates when the cost
15 and expense was incurred by the municipality, the lien holder
16 of record, or the intervenor. Upon payment of the cost and
17 expense by the owner of or persons interested in the property
18 after the notice of lien has been filed, the lien shall be
19 released by the municipality, the person in whose name the
20 lien has been filed, or the assignee of the lien, and the
21 release may be filed of record as in the case of filing
22 notice of lien. Unless the lien is enforced under subsection
23 (c), the lien may be enforced by foreclosure proceedings as
24 in the case of mortgage foreclosures under Article XV of the
25 Code of Civil Procedure or mechanics' lien foreclosures. An
26 action to foreclose this lien may be commenced at any time
27 after the date of filing of the notice of lien. The costs of
28 foreclosure incurred by the municipality, including court
29 costs, reasonable attorney's fees, advances to preserve the
30 property, and other costs related to the enforcement of this
31 subsection, plus statutory interest, are a lien on the real
32 estate and are recoverable by the municipality from the owner
33 or owners of the real estate.

34 All liens arising under this subsection (a) shall be

1 assignable. The assignee of the lien shall have the same
2 power to enforce the lien as the assigning party, except that
3 the lien may not be enforced under subsection (c).

4 If the appropriate official of any municipality
5 determines that any dangerous and unsafe building or
6 uncompleted and abandoned building within its territory
7 fulfills the requirements for an action by the municipality
8 under the Abandoned Housing Rehabilitation Act, the
9 municipality may petition under that Act in a proceeding
10 brought under this subsection.

11 (b) Any owner or tenant of real property within 1200
12 feet in any direction of any dangerous or unsafe building
13 located within the territory of a municipality with a
14 population of 500,000 or more may file with the appropriate
15 municipal authority a request that the municipality apply to
16 the circuit court of the county in which the building is
17 located for an order permitting the demolition, removal of
18 garbage, debris, and other noxious or unhealthy substances
19 and materials from, or repair or enclosure of the building in
20 the manner prescribed in subsection (a) of this Section. If
21 the municipality fails to institute an action in circuit
22 court within 90 days after the filing of the request, the
23 owner or tenant of real property within 1200 feet in any
24 direction of the building may institute an action in circuit
25 court seeking an order compelling the owner or owners of
26 record to demolish, remove garbage, debris, and other noxious
27 or unhealthy substances and materials from, repair or enclose
28 or to cause to be demolished, have garbage, debris, and other
29 noxious or unhealthy substances and materials removed from,
30 repaired, or enclosed the building in question. A private
31 owner or tenant who institutes an action under the preceding
32 sentence shall not be required to pay any fee to the clerk of
33 the circuit court. The cost of repair, removal, demolition,
34 or enclosure shall be borne by the owner or owners of record

1 of the building. In the event the owner or owners of record
2 fail to demolish, remove garbage, debris, and other noxious
3 or unhealthy substances and materials from, repair, or
4 enclose the building within 90 days of the date the court
5 entered its order, the owner or tenant who instituted the
6 action may request that the court join the municipality as a
7 party to the action. The court may order the municipality to
8 demolish, remove materials from, repair, or enclose the
9 building, or cause that action to be taken upon the request
10 of any owner or tenant who instituted the action or upon the
11 municipality's request. The municipality may file, and the
12 court may approve, a plan for rehabilitating the building in
13 question. A court order authorizing the municipality to
14 demolish, remove materials from, repair, or enclose a
15 building, or cause that action to be taken, shall not
16 preclude the court from adjudging the owner or owners of
17 record of the building in contempt of court due to the
18 failure to comply with the order to demolish, remove garbage,
19 debris, and other noxious or unhealthy substances and
20 materials from, repair, or enclose the building.

21 If a municipality or a person or persons other than the
22 owner or owners of record pay the cost of demolition, removal
23 of garbage, debris, and other noxious or unhealthy substances
24 and materials, repair, or enclosure pursuant to a court
25 order, the cost, including court costs, attorney's fees, and
26 other costs related to the enforcement of this subsection, is
27 recoverable from the owner or owners of the real estate and
28 is a lien on the real estate; the lien is superior to all
29 prior existing liens and encumbrances, except taxes, if,
30 within 180 days after the repair, removal, demolition, or
31 enclosure, the municipality or the person or persons who paid
32 the costs of demolition, removal, repair, or enclosure shall
33 file a notice of lien of the cost and expense incurred in the
34 office of the recorder in the county in which the real estate

1 is located or in the office of the registrar of the county if
2 the real estate affected is registered under the Registered
3 Titles (Torrens) Act. The notice shall be in a form as is
4 provided in subsection (a). An owner or tenant who
5 institutes an action in circuit court seeking an order to
6 compel the owner or owners of record to demolish, remove
7 materials from, repair, or enclose any dangerous or unsafe
8 building, or to cause that action to be taken under this
9 subsection may recover court costs and reasonable attorney's
10 fees for instituting the action from the owner or owners of
11 record of the building. Upon payment of the costs and
12 expenses by the owner of or a person interested in the
13 property after the notice of lien has been filed, the lien
14 shall be released by the municipality or the person in whose
15 name the lien has been filed or his or her assignee, and the
16 release may be filed of record as in the case of filing a
17 notice of lien. Unless the lien is enforced under subsection
18 (c), the lien may be enforced by foreclosure proceedings as
19 in the case of mortgage foreclosures under Article XV of the
20 Code of Civil Procedure or mechanics' lien foreclosures. An
21 action to foreclose this lien may be commenced at any time
22 after the date of filing of the notice of lien. The costs of
23 foreclosure incurred by the municipality, including court
24 costs, reasonable attorneys' fees, advances to preserve the
25 property, and other costs related to the enforcement of this
26 subsection, plus statutory interest, are a lien on the real
27 estate and are recoverable by the municipality from the owner
28 or owners of the real estate.

29 All liens arising under the terms of this subsection (b)
30 shall be assignable. The assignee of the lien shall have the
31 same power to enforce the lien as the assigning party, except
32 that the lien may not be enforced under subsection (c).

33 (c) In any case where a municipality has obtained a lien
34 under subsection (a), (b), or (f), the municipality may

1 enforce the lien under this subsection (c) in the same
2 proceeding in which the lien is authorized.

3 A municipality desiring to enforce a lien under this
4 subsection (c) shall petition the court to retain
5 jurisdiction for foreclosure proceedings under this
6 subsection. Notice of the petition shall be served, by
7 certified or registered mail, on all persons who were served
8 notice under subsection (a), (b), or (f). The court shall
9 conduct a hearing on the petition not less than 15 days after
10 the notice is served. If the court determines that the
11 requirements of this subsection (c) have been satisfied, it
12 shall grant the petition and retain jurisdiction over the
13 matter until the foreclosure proceeding is completed. The
14 costs of foreclosure incurred by the municipality, including
15 court costs, reasonable attorneys' fees, advances to preserve
16 the property, and other costs related to the enforcement of
17 this subsection, plus statutory interest, are a lien on the
18 real estate and are recoverable by the municipality from the
19 owner or owners of the real estate. If the court denies the
20 petition, the municipality may enforce the lien in a separate
21 action as provided in subsection (a), (b), or (f).

22 All persons designated in Section 15-1501 of the Code of
23 Civil Procedure as necessary parties in a mortgage
24 foreclosure action shall be joined as parties before issuance
25 of an order of foreclosure. Persons designated in Section
26 15-1501 of the Code of Civil Procedure as permissible parties
27 may also be joined as parties in the action.

28 The provisions of Article XV of the Code of Civil
29 Procedure applicable to mortgage foreclosures shall apply to
30 the foreclosure of a lien under this subsection (c), except
31 to the extent that those provisions are inconsistent with
32 this subsection. For purposes of foreclosures of liens
33 under this subsection, however, the redemption period
34 described in subsection (b) of Section 15-1603 of the Code of

1 Civil Procedure shall end 60 days after the date of entry of
2 the order of foreclosure.

3 (d) In addition to any other remedy provided by law, the
4 corporate authorities of any municipality may petition the
5 circuit court to have property declared abandoned under this
6 subsection (d) if:

7 (1) the property has been tax delinquent for 2 or
8 more years or bills for water service for the property
9 have been outstanding for 2 or more years;

10 (2) the property is unoccupied by persons legally
11 in possession; and

12 (3) the property contains a dangerous or unsafe
13 building.

14 All persons having an interest of record in the property,
15 including tax purchasers and beneficial owners of any
16 Illinois land trust having title to the property, shall be
17 named as defendants in the petition and shall be served with
18 process. In addition, service shall be had under Section
19 2-206 of the Code of Civil Procedure as in other cases
20 affecting property.

21 The municipality, however, may proceed under this
22 subsection in a proceeding brought under subsection (a) or
23 (b). Notice of the petition shall be served by certified or
24 registered mail on all persons who were served notice under
25 subsection (a) or (b).

26 If the municipality proves that the conditions described
27 in this subsection exist and the owner of record of the
28 property does not enter an appearance in the action, or, if
29 title to the property is held by an Illinois land trust, if
30 neither the owner of record nor the owner of the beneficial
31 interest of the trust enters an appearance, the court shall
32 declare the property abandoned.

33 If that determination is made, notice shall be sent by
34 certified or registered mail to all persons having an

1 interest of record in the property, including tax purchasers
2 and beneficial owners of any Illinois land trust having title
3 to the property, stating that title to the property will be
4 transferred to the municipality unless, within 30 days of the
5 notice, the owner of record enters an appearance in the
6 action, or unless any other person having an interest in the
7 property files with the court a request to demolish the
8 dangerous or unsafe building or to put the building in safe
9 condition.

10 If the owner of record enters an appearance in the action
11 within the 30 day period, the court shall vacate its order
12 declaring the property abandoned. In that case, the
13 municipality may amend its complaint in order to initiate
14 proceedings under subsection (a).

15 If a request to demolish or repair the building is filed
16 within the 30 day period, the court shall grant permission to
17 the requesting party to demolish the building within 30 days
18 or to restore the building to safe condition within 60 days
19 after the request is granted. An extension of that period
20 for up to 60 additional days may be given for good cause. If
21 more than one person with an interest in the property files a
22 timely request, preference shall be given to the person with
23 the lien or other interest of the highest priority.

24 If the requesting party proves to the court that the
25 building has been demolished or put in a safe condition
26 within the period of time granted by the court, the court
27 shall issue a quitclaim judicial deed for the property to the
28 requesting party, conveying only the interest of the owner of
29 record, upon proof of payment to the municipality of all
30 costs incurred by the municipality in connection with the
31 action, including but not limited to court costs, attorney's
32 fees, administrative costs, the costs, if any, associated
33 with building enclosure or removal, and receiver's
34 certificates. The interest in the property so conveyed shall

1 be subject to all liens and encumbrances on the property. In
2 addition, if the interest is conveyed to a person holding a
3 certificate of purchase for the property under the Property
4 Tax Code, the conveyance shall be subject to the rights of
5 redemption of all persons entitled to redeem under that Act,
6 including the original owner of record.

7 If no person with an interest in the property files a
8 timely request or if the requesting party fails to demolish
9 the building or put the building in safe condition within the
10 time specified by the court, the municipality may petition
11 the court to issue a judicial deed for the property to the
12 municipality. A conveyance by judicial deed shall operate to
13 extinguish all existing ownership interests in, liens on, and
14 other interest in the property, including tax liens, and
15 shall extinguish the rights and interests of any and all
16 holders of a bona fide certificate of purchase of the
17 property for delinquent taxes. Any such bona fide
18 certificate of purchase holder shall be entitled to a sale in
19 error as prescribed under Section 21-310 of the Property Tax
20 Code.

21 (e) Each municipality may use the provisions of this
22 subsection to expedite the removal of certain buildings that
23 are a continuing hazard to the community in which they are
24 located.

25 If a residential or commercial building is 3 stories or
26 less in height as defined by the municipality's building
27 code, and the corporate official designated to be in charge
28 of enforcing the municipality's building code determines that
29 the building is open and vacant and an immediate and
30 continuing hazard to the community in which the building is
31 located, then the official shall be authorized to post a
32 notice not less than 2 feet by 2 feet in size on the front of
33 the building. The notice shall be dated as of the date of
34 the posting and shall state that unless the building is

1 demolished, repaired, or enclosed, and unless any garbage,
2 debris, and other hazardous, noxious, or unhealthy substances
3 or materials are removed so that an immediate and continuing
4 hazard to the community no longer exists, then the building
5 may be demolished, repaired, or enclosed, or any garbage,
6 debris, and other hazardous, noxious, or unhealthy substances
7 or materials may be removed, by the municipality.

8 Not later than 30 days following the posting of the
9 notice, the municipality shall do all of the following:

10 (1) Cause to be sent, by certified mail, return
11 receipt requested, a Notice to Remediate to all owners
12 of record of the property, the beneficial owners of any
13 Illinois land trust having title to the property, and all
14 lienholders of record in the property, stating the intent
15 of the municipality to demolish, repair, or enclose the
16 building or remove any garbage, debris, or other
17 hazardous, noxious, or unhealthy substances or materials
18 if that action is not taken by the owner or owners.

19 (2) Cause to be published, in a newspaper published
20 or circulated in the municipality where the building is
21 located, a notice setting forth (i) the permanent tax
22 index number and the address of the building, (ii) a
23 statement that the property is open and vacant and
24 constitutes an immediate and continuing hazard to the
25 community, and (iii) a statement that the municipality
26 intends to demolish, repair, or enclose the building or
27 remove any garbage, debris, or other hazardous, noxious,
28 or unhealthy substances or materials if the owner or
29 owners or lienholders of record fail to do so. This
30 notice shall be published for 3 consecutive days.

31 (3) Cause to be recorded the Notice to Remediate
32 mailed under paragraph (1) in the office of the recorder
33 in the county in which the real estate is located or in
34 the office of the registrar of titles of the county if

1 the real estate is registered under the Registered Title
2 (Torrens) Act.

3 Any person or persons with a current legal or equitable
4 interest in the property objecting to the proposed actions of
5 the corporate authorities may file his or her objection in an
6 appropriate form in a court of competent jurisdiction.

7 If the building is not demolished, repaired, or enclosed,
8 or the garbage, debris, or other hazardous, noxious, or
9 unhealthy substances or materials are not removed, within 30
10 days of mailing the notice to the owners of record, the
11 beneficial owners of any Illinois land trust having title to
12 the property, and all lienholders of record in the property,
13 or within 30 days of the last day of publication of the
14 notice, whichever is later, the corporate authorities shall
15 have the power to demolish, repair, or enclose the building
16 or to remove any garbage, debris, or other hazardous,
17 noxious, or unhealthy substances or materials.

18 The municipality may proceed to demolish, repair, or
19 enclose a building or remove any garbage, debris, or other
20 hazardous, noxious, or unhealthy substances or materials
21 under this subsection within a 120-day period following the
22 date of the mailing of the notice if the appropriate official
23 determines that the demolition, repair, enclosure, or removal
24 of any garbage, debris, or other hazardous, noxious, or
25 unhealthy substances or materials is necessary to remedy the
26 immediate and continuing hazard. If, however, before the
27 municipality proceeds with any of the actions authorized by
28 this subsection, any person with a legal or equitable
29 interest in the property has sought a hearing under this
30 subsection before a court and has served a copy of the
31 complaint on the chief executive officer of the municipality,
32 then the municipality shall not proceed with the demolition,
33 repair, enclosure, or removal of garbage, debris, or other
34 substances until the court determines that that action is

1 necessary to remedy the hazard and issues an order
2 authorizing the municipality to do so.

3 Following the demolition, repair, or enclosure of a
4 building, or the removal of garbage, debris, or other
5 hazardous, noxious, or unhealthy substances or materials
6 under this subsection, the municipality may file a notice of
7 lien against the real estate for the cost of the demolition,
8 repair, enclosure, or removal within 180 days after the
9 repair, demolition, enclosure, or removal occurred, for the
10 cost and expense incurred, in the office of the recorder in
11 the county in which the real estate is located or in the
12 office of the registrar of titles of the county if the real
13 estate affected is registered under the Registered Titles
14 (Torrens) Act; this lien has priority over the interests of
15 those parties named in the Notice to Remediate mailed under
16 paragraph (1), but not over the interests of third party
17 purchasers or encumbrancers for value who obtained their
18 interests in the property before obtaining actual or
19 constructive notice of the lien. The notice of lien shall
20 consist of a sworn statement setting forth (i) a description
21 of the real estate, such as the address or other description
22 of the property, sufficient for its identification; (ii) the
23 expenses incurred by the municipality in undertaking the
24 remedial actions authorized under this subsection; (iii) the
25 date or dates the expenses were incurred by the municipality;
26 (iv) a statement by the corporate official responsible for
27 enforcing the building code that the building was open and
28 vacant and constituted an immediate and continuing hazard to
29 the community; (v) a statement by the corporate official that
30 the required sign was posted on the building, that notice was
31 sent by certified mail to the owners of record, and that
32 notice was published in accordance with this subsection; and
33 (vi) a statement as to when and where the notice was
34 published. The lien authorized by this subsection may

1 thereafter be released or enforced by the municipality as
2 provided in subsection (a).

3 (f) The corporate authorities of each municipality may
4 remove or cause the removal of, or otherwise environmentally
5 remediate hazardous substances and petroleum products on, in,
6 or under any abandoned and unsafe property within the
7 territory of a municipality. In addition, where preliminary
8 evidence indicates the presence or likely presence of a
9 hazardous substance or a petroleum product or a release or a
10 substantial threat of a release of a hazardous substance or a
11 petroleum product on, in, or under the property, the
12 corporate authorities of the municipality may inspect the
13 property and test for the presence or release of hazardous
14 substances and petroleum products. In any county having
15 adopted by referendum or otherwise a county health department
16 as provided by Division 5-25 of the Counties Code or its
17 predecessor, the county board of that county may exercise the
18 above-described powers with regard to property within the
19 territory of any city, village, or incorporated town having
20 less than 50,000 population.

21 For purposes of this subsection (f):

22 (1) "property" or "real estate" means all real
23 property, whether or not improved by a structure;

24 (2) "abandoned" means;

25 (A) the property has been tax delinquent for 2
26 or more years;

27 (B) the property is unoccupied by persons
28 legally in possession; and

29 (3) "unsafe" means property that presents an actual
30 or imminent threat to public health and safety caused by
31 the release of hazardous substances; and

32 (4) "hazardous substances" means the same as in
33 Section 3.14 of the Environmental Protection Act.

34 The corporate authorities shall apply to the circuit

1 court of the county in which the property is located (i) for
2 an order allowing the municipality to enter the property and
3 inspect and test substances on, in, or under the property; or
4 (ii) for an order authorizing the corporate authorities to
5 take action with respect to remediation of the property if
6 conditions on the property, based on the inspection and
7 testing authorized in paragraph (i), indicate the presence of
8 hazardous substances or petroleum products. Remediation
9 shall be deemed complete for purposes of paragraph (ii) above
10 when the property satisfies Tier I, II, or III remediation
11 objectives for the property's most recent usage, as
12 established by the Environmental Protection Act, and the
13 rules and regulations promulgated thereunder. Where, upon
14 diligent search, the identity or whereabouts of the owner or
15 owners of the property, including the lien holders of record,
16 is not ascertainable, notice mailed to the person or persons
17 in whose name the real estate was last assessed is sufficient
18 notice under this Section.

19 The court shall grant an order authorizing testing under
20 paragraph (i) above upon a showing of preliminary evidence
21 indicating the presence or likely presence of a hazardous
22 substance or a petroleum product or a release of or a
23 substantial threat of a release of a hazardous substance or a
24 petroleum product on, in, or under abandoned property. The
25 preliminary evidence may include, but is not limited to,
26 evidence of prior use, visual site inspection, or records of
27 prior environmental investigations. The testing authorized
28 by paragraph (i) above shall include any type of
29 investigation which is necessary for an environmental
30 professional to determine the environmental condition of the
31 property, including but not limited to performance of soil
32 borings and groundwater monitoring. The court shall grant a
33 remediation order under paragraph (ii) above where testing of
34 the property indicates that it fails to meet the applicable

1 remediation objectives. The hearing upon the application to
2 the circuit court shall be expedited by the court and shall
3 be given precedence over all other suits.

4 The cost of the inspection, testing, or remediation
5 incurred by the municipality or by a lien holder of record,
6 including court costs, attorney's fees, and other costs
7 related to the enforcement of this Section, is a lien on the
8 real estate; except that in any instances where a
9 municipality incurs costs of inspection and testing but finds
10 no hazardous substances or petroleum products on the property
11 that present an actual or imminent threat to public health
12 and safety, such costs are not recoverable from the owners
13 nor are such costs a lien on the real estate. The lien is
14 superior to all prior existing liens and encumbrances, except
15 taxes and any lien obtained under subsection (a) or (e), if,
16 within 180 days after the completion of the inspection,
17 testing, or remediation, the municipality or the lien holder
18 of record who incurred the cost and expense shall file a
19 notice of lien for the cost and expense incurred in the
20 office of the recorder in the county in which the real estate
21 is located or in the office of the registrar of titles of the
22 county if the real estate affected is registered under the
23 Registered Titles (Torrens) Act.

24 The notice must consist of a sworn statement setting out
25 (i) a description of the real estate sufficient for its
26 identification, (ii) the amount of money representing the
27 cost and expense incurred, and (iii) the date or dates when
28 the cost and expense was incurred by the municipality or the
29 lien holder of record. Upon payment of the lien amount by
30 the owner of or persons interested in the property after the
31 notice of lien has been filed, a release of lien shall be
32 issued by the municipality, the person in whose name the lien
33 has been filed, or the assignee of the lien, and the release
34 may be filed of record as in the case of filing notice of

1 lien.

2 The lien may be enforced under subsection (c) or by
3 foreclosure proceedings as in the case of mortgage
4 foreclosures under Article XV of the Code of Civil Procedure
5 or mechanics' lien foreclosures; provided that where the lien
6 is enforced by foreclosure under subsection (c) or under
7 either statute, the municipality may not proceed against the
8 other assets of the owner or owners of the real estate for
9 any costs that otherwise would be recoverable under this
10 Section but that remain unsatisfied after foreclosure except
11 where such additional recovery is authorized by separate
12 environmental laws. An action to foreclose this lien may be
13 commenced at any time after the date of filing of the notice
14 of lien. The costs of foreclosure incurred by the
15 municipality, including court costs, reasonable attorney's
16 fees, advances to preserve the property, and other costs
17 related to the enforcement of this subsection, plus statutory
18 interest, are a lien on the real estate.

19 All liens arising under this subsection (f) shall be
20 assignable. The assignee of the lien shall have the same
21 power to enforce the lien as the assigning party, except that
22 the lien may not be enforced under subsection (c).

23 (g) In any case where a municipality has obtained a lien
24 under subsection (a), the municipality may also bring an
25 action for a money judgment against the owner or owners of
26 the real estate in the amount of the lien in the same manner
27 as provided for bringing causes of action in Article II of
28 the Code of Civil Procedure and, upon obtaining a judgment,
29 file a judgment lien against all of the real estate of the
30 owner or owners and enforce that lien as provided for in
31 Article XII of the Code of Civil Procedure.

32 (Source: P.A. 90-393, eff. 1-1-98; 90-597, eff. 6-25-98;
33 91-162, eff. 7-16-99; 91-177, eff. 1-1-00; 91-357, eff.
34 7-29-99; 91-542, eff. 1-1-00; 91-561, eff. 1-1-00; revised

1 8-27-99.)

2 (65 ILCS 5/11-74.4-4) (from Ch. 24, par. 11-74.4-4)

3 Sec. 11-74.4-4. Municipal powers and duties;
4 redevelopment project areas. A municipality may:

5 (a) The changes made by this amendatory Act of the 91st
6 General Assembly do not apply to a municipality that, (i)
7 before the effective date of this amendatory Act of the 91st
8 General Assembly, has adopted an ordinance or resolution
9 fixing a time and place for a public hearing under Section
10 11-74.4-5 or (ii) before July 1, 1999, has adopted an
11 ordinance or resolution providing for a feasibility study
12 under Section 11-74.4-4.1, but has not yet adopted an
13 ordinance approving redevelopment plans and redevelopment
14 projects or designating redevelopment project areas under
15 this Section, until after that municipality adopts an
16 ordinance approving redevelopment plans and redevelopment
17 projects or designating redevelopment project areas under
18 this Section; thereafter the changes made by this amendatory
19 Act of the 91st General Assembly apply to the same extent
20 that they apply to redevelopment plans and redevelopment
21 projects that were approved and redevelopment projects that
22 were designated before the effective date of this amendatory
23 Act of the 91st General Assembly.

24 By ordinance introduced in the governing body of the
25 municipality within 14 to 90 days from the completion of the
26 hearing specified in Section 11-74.4-5 approve redevelopment
27 plans and redevelopment projects, and designate redevelopment
28 project areas pursuant to notice and hearing required by this
29 Act. No redevelopment project area shall be designated
30 unless a plan and project are approved prior to the
31 designation of such area and such area shall include only
32 those contiguous parcels of real property and improvements
33 thereon substantially benefited by the proposed redevelopment

1 project improvements. Upon adoption of the ordinances, the
2 municipality shall forthwith transmit to the county clerk of
3 the county or counties within which the redevelopment project
4 area is located a certified copy of the ordinances, a legal
5 description of the redevelopment project area, a map of the
6 redevelopment project area, identification of the year that
7 the county clerk shall use for determining the total initial
8 equalized assessed value of the redevelopment project area
9 consistent with subsection (a) of Section 11-74.4-9, and a
10 list of the parcel or tax identification number of each
11 parcel of property included in the redevelopment project
12 area.

13 (b) Make and enter into all contracts with property
14 owners, developers, tenants, overlapping taxing bodies, and
15 others necessary or incidental to the implementation and
16 furtherance of its redevelopment plan and project.

17 (c) Within a redevelopment project area, acquire by
18 purchase, donation, lease or eminent domain; own, convey,
19 lease, mortgage or dispose of land and other property, real
20 or personal, or rights or interests therein, and grant or
21 acquire licenses, easements and options with respect thereto,
22 all in the manner and at such price the municipality
23 determines is reasonably necessary to achieve the objectives
24 of the redevelopment plan and project. No conveyance, lease,
25 mortgage, disposition of land or other property owned by a
26 municipality, or agreement relating to the development of
27 such municipal property shall be made except upon the
28 adoption of an ordinance by the corporate authorities of the
29 municipality. Furthermore, no conveyance, lease, mortgage, or
30 other disposition of land owned by a municipality or
31 agreement relating to the development of such municipal
32 property shall be made without making public disclosure of
33 the terms of the disposition and all bids and proposals made
34 in response to the municipality's request. The procedures

1 for obtaining such bids and proposals shall provide
2 reasonable opportunity for any person to submit alternative
3 proposals or bids.

4 (d) Within a redevelopment project area, clear any area
5 by demolition or removal of any existing buildings and
6 structures.

7 (e) Within a redevelopment project area, renovate or
8 rehabilitate or construct any structure or building, as
9 permitted under this Act.

10 (f) Install, repair, construct, reconstruct or relocate
11 streets, utilities and site improvements essential to the
12 preparation of the redevelopment area for use in accordance
13 with a redevelopment plan.

14 (g) Within a redevelopment project area, fix, charge and
15 collect fees, rents and charges for the use of any building
16 or property owned or leased by it or any part thereof, or
17 facility therein.

18 (h) Accept grants, guarantees and donations of property,
19 labor, or other things of value from a public or private
20 source for use within a project redevelopment area.

21 (i) Acquire and construct public facilities within a
22 redevelopment project area, as permitted under this Act.

23 (j) Incur project redevelopment costs and reimburse
24 developers who incur redevelopment project costs authorized
25 by a redevelopment agreement; provided, however, that on and
26 after the effective date of this amendatory Act of the 91st
27 General Assembly, no municipality shall incur redevelopment
28 project costs (except for planning costs and any other
29 eligible costs authorized by municipal ordinance or
30 resolution that are subsequently included in the
31 redevelopment plan for the area and are incurred by the
32 municipality after the ordinance or resolution is adopted)
33 that are not consistent with the program for accomplishing
34 the objectives of the redevelopment plan as included in that

1 plan and approved by the municipality until the municipality
2 has amended the redevelopment plan as provided elsewhere in
3 this Act.

4 (k) Create a commission of not less than 5 or more than
5 15 persons to be appointed by the mayor or president of the
6 municipality with the consent of the majority of the
7 governing board of the municipality. Members of a commission
8 appointed after the effective date of this amendatory Act of
9 1987 shall be appointed for initial terms of 1, 2, 3, 4 and 5
10 years, respectively, in such numbers as to provide that the
11 terms of not more than 1/3 of all such members shall expire
12 in any one year. Their successors shall be appointed for a
13 term of 5 years. The commission, subject to approval of the
14 corporate authorities may exercise the powers enumerated in
15 this Section. The commission shall also have the power to
16 hold the public hearings required by this division and make
17 recommendations to the corporate authorities concerning the
18 adoption of redevelopment plans, redevelopment projects and
19 designation of redevelopment project areas.

20 (l) Make payment in lieu of taxes or a portion thereof
21 to taxing districts. If payments in lieu of taxes or a
22 portion thereof are made to taxing districts, those payments
23 shall be made to all districts within a project redevelopment
24 area on a basis which is proportional to the current
25 collections of revenue which each taxing district receives
26 from real property in the redevelopment project area.

27 (m) Exercise any and all other powers necessary to
28 effectuate the purposes of this Act.

29 (n) If any member of the corporate authority, a member
30 of a commission established pursuant to Section 11-74.4-4(k)
31 of this Act, or an employee or consultant of the municipality
32 involved in the planning and preparation of a redevelopment
33 plan, or project for a redevelopment project area or proposed
34 redevelopment project area, as defined in Sections

1 11-74.4-3(i) through (k) of this Act, owns or controls an
2 interest, direct or indirect, in any property included in any
3 redevelopment area, or proposed redevelopment area, he or she
4 shall disclose the same in writing to the clerk of the
5 municipality, and shall also so disclose the dates and terms
6 and conditions of any disposition of any such interest, which
7 disclosures shall be acknowledged by the corporate
8 authorities and entered upon the minute books of the
9 corporate authorities. If an individual holds such an
10 interest then that individual shall refrain from any further
11 official involvement in regard to such redevelopment plan,
12 project or area, from voting on any matter pertaining to such
13 redevelopment plan, project or area, or communicating with
14 other members concerning corporate authorities, commission or
15 employees concerning any matter pertaining to said
16 redevelopment plan, project or area. Furthermore, no such
17 member or employee shall acquire of any interest direct, or
18 indirect, in any property in a redevelopment area or proposed
19 redevelopment area after either (a) such individual obtains
20 knowledge of such plan, project or area or (b) first public
21 notice of such plan, project or area pursuant to Section
22 11-74.4-6 of this Division, whichever occurs first. For the
23 purposes of this subsection, a property interest acquired in
24 a single parcel of property by a member of the corporate
25 authority, which property is used exclusively as the
26 member's primary residence, shall not be deemed to constitute
27 an interest in any property included in a redevelopment area
28 or proposed redevelopment area that was established before
29 December 31, 1989, but the member must disclose the
30 acquisition to the municipal clerk under the provisions of
31 this subsection. For the purposes of this subsection, a
32 month-to-month leasehold interest in a single parcel of
33 property by a member of the corporate authority shall not be
34 deemed to constitute an interest in any property included in

1 any redevelopment area or proposed redevelopment area, but
2 the member must disclose the interest to the municipal clerk
3 under the provisions of this subsection.

4 (o) Create a Tax Increment Economic Development Advisory
5 Committee to be appointed by the Mayor or President of the
6 municipality with the consent of the majority of the
7 governing board of the municipality, the members of which
8 Committee shall be appointed for initial terms of 1, 2, 3, 4
9 and 5 years respectively, in such numbers as to provide that
10 the terms of not more than 1/3 of all such members shall
11 expire in any one year. Their successors shall be appointed
12 for a term of 5 years. The Committee shall have none of the
13 powers enumerated in this Section. The Committee shall serve
14 in an advisory capacity only. The Committee may advise the
15 governing Board of the municipality and other municipal
16 officials regarding development issues and opportunities
17 within the redevelopment project area or the area within the
18 State Sales Tax Boundary. The Committee may also promote and
19 publicize development opportunities in the redevelopment
20 project area or the area within the State Sales Tax Boundary.

21 (p) Municipalities may jointly undertake and perform
22 redevelopment plans and projects and utilize the provisions
23 of the Act wherever they have contiguous redevelopment
24 project areas or they determine to adopt tax increment
25 financing with respect to a redevelopment project area which
26 includes contiguous real property within the boundaries of
27 the municipalities, and in doing so, they may, by agreement
28 between municipalities, issue obligations, separately or
29 jointly, and expend revenues received under the Act for
30 eligible expenses anywhere within contiguous redevelopment
31 project areas or as otherwise permitted in the Act.

32 (q) Utilize revenues, other than State sales tax
33 increment revenues, received under this Act from one
34 redevelopment project area for eligible costs in another

1 redevelopment project area that is either contiguous to, or
2 is separated only by a public right of way from, the
3 redevelopment project area from which the revenues are
4 received. Utilize tax increment revenues for eligible costs
5 that are received from a redevelopment project area created
6 under the Industrial Jobs Recovery Law that is either
7 contiguous to, or is separated only by a public right of way
8 from, the redevelopment project area created under this Act
9 which initially receives these revenues. Utilize revenues,
10 other than State sales tax increment revenues, by
11 transferring or loaning such revenues to a redevelopment
12 project area created under the Industrial Jobs Recovery Law
13 that is either contiguous to, or separated only by a public
14 right of way from the redevelopment project area that
15 initially produced and received those revenues; and, if the
16 redevelopment project area (i) was established before the
17 effective date of this amendatory Act of the 91st General
18 Assembly and (ii) is located within a municipality with a
19 population of more than 100,000, utilize revenues or proceeds
20 of obligations authorized by Section 11-74.4-7 of this Act,
21 other than use or occupation tax revenues, to pay for any
22 redevelopment project costs as defined by subsection (q) of
23 Section 11-74.4-3 to the extent that the redevelopment
24 project costs involve public property that is either
25 contiguous to, or separated only by a public right of way
26 from, a redevelopment project area whether or not
27 redevelopment project costs or the source of payment for the
28 costs are specifically set forth in the redevelopment plan
29 for the redevelopment project area.

30 (r) If no redevelopment project has been initiated in a
31 redevelopment project area within 7 years after the area was
32 designated by ordinance under subsection (a), the
33 municipality shall adopt an ordinance repealing the area's
34 designation as a redevelopment project area; provided,

1 however, that if an area received its designation more than 3
2 years before the effective date of this amendatory Act of
3 1994 and no redevelopment project has been initiated within 4
4 years after the effective date of this amendatory Act of
5 1994, the municipality shall adopt an ordinance repealing its
6 designation as a redevelopment project area. Initiation of a
7 redevelopment project shall be evidenced by either a signed
8 redevelopment agreement or expenditures on eligible
9 redevelopment project costs associated with a redevelopment
10 project.

11 (Source: P.A. 90-258, eff. 7-30-97; 91-478, eff. 11-1-99;
12 91-642, eff. 8-20-99; revised 10-20-99.)

13 (65 ILCS 5/11-74.4-8) (from Ch. 24, par. 11-74.4-8)

14 Sec. 11-74.4-8. A municipality may not adopt tax
15 increment financing in a redevelopment project area after the
16 effective date of this amendatory Act of 1997 that will
17 encompass an area that is currently included in an enterprise
18 zone created under the Illinois Enterprise Zone Act unless
19 that municipality, pursuant to Section 5.4 of the Illinois
20 Enterprise Zone Act, amends the enterprise zone designating
21 ordinance to limit the eligibility for tax abatements as
22 provided in Section 5.4.1 of the Illinois Enterprise Zone
23 Act. A municipality, at the time a redevelopment project
24 area is designated, may adopt tax increment allocation
25 financing by passing an ordinance providing that the ad
26 valorem taxes, if any, arising from the levies upon taxable
27 real property in such redevelopment project area by taxing
28 districts and tax rates determined in the manner provided in
29 paragraph (c) of Section 11-74.4-9 each year after the
30 effective date of the ordinance until redevelopment project
31 costs and all municipal obligations financing redevelopment
32 project costs incurred under this Division have been paid
33 shall be divided as follows:

1 (a) That portion of taxes levied upon each taxable lot,
2 block, tract or parcel of real property which is attributable
3 to the lower of the current equalized assessed value or the
4 initial equalized assessed value of each such taxable lot,
5 block, tract or parcel of real property in the redevelopment
6 project area shall be allocated to and when collected shall
7 be paid by the county collector to the respective affected
8 taxing districts in the manner required by law in the absence
9 of the adoption of tax increment allocation financing.

10 (b) Except from a tax levied by a township to retire
11 bonds issued to satisfy court-ordered damages, that portion,
12 if any, of such taxes which is attributable to the increase
13 in the current equalized assessed valuation of each taxable
14 lot, block, tract or parcel of real property in the
15 redevelopment project area over and above the initial
16 equalized assessed value of each property in the project area
17 shall be allocated to and when collected shall be paid to the
18 municipal treasurer who shall deposit said taxes into a
19 special fund called the special tax allocation fund of the
20 municipality for the purpose of paying redevelopment project
21 costs and obligations incurred in the payment thereof. In any
22 county with a population of 3,000,000 or more that has
23 adopted a procedure for collecting taxes that provides for
24 one or more of the installments of the taxes to be billed and
25 collected on an estimated basis, the municipal treasurer
26 shall be paid for deposit in the special tax allocation fund
27 of the municipality, from the taxes collected from estimated
28 bills issued for property in the redevelopment project area,
29 the difference between the amount actually collected from
30 each taxable lot, block, tract, or parcel of real property
31 within the redevelopment project area and an amount
32 determined by multiplying the rate at which taxes were last
33 extended against the taxable lot, block, track, or parcel of
34 real property in the manner provided in subsection (c) of

1 Section 11-74.4-9 by the initial equalized assessed value of
2 the property divided by the number of installments in which
3 real estate taxes are billed and collected within the county;
4 provided that the payments on or before December 31, 1999 to
5 a municipal treasurer shall be made only if each of the
6 following conditions are met:

7 (1) The total equalized assessed value of the
8 redevelopment project area as last determined was not
9 less than 175% of the total initial equalized assessed
10 value.

11 (2) Not more than 50% of the total equalized
12 assessed value of the redevelopment project area as last
13 determined is attributable to a piece of property
14 assigned a single real estate index number.

15 (3) The municipal clerk has certified to the county
16 clerk that the municipality has issued its obligations to
17 which there has been pledged the incremental property
18 taxes of the redevelopment project area or taxes levied
19 and collected on any or all property in the municipality
20 or the full faith and credit of the municipality to pay
21 or secure payment for all or a portion of the
22 redevelopment project costs. The certification shall be
23 filed annually no later than September 1 for the
24 estimated taxes to be distributed in the following year;
25 however, for the year 1992 the certification shall be
26 made at any time on or before March 31, 1992.

27 (4) The municipality has not requested that the
28 total initial equalized assessed value of real property
29 be adjusted as provided in subsection (b) of Section
30 11-74.4-9.

31 The conditions of paragraphs (1) through (4) do not apply
32 after December 31, 1999 to payments to a municipal treasurer
33 made by a county with 3,000,000 or more inhabitants that has
34 adopted an estimated billing procedure for collecting taxes.

1 If a county that has adopted the estimated billing procedure
2 makes an erroneous overpayment of tax revenue to the
3 municipal treasurer, then the county may seek a refund of
4 that overpayment. The county shall send the municipal
5 treasurer a notice of liability for the overpayment on or
6 before the mailing date of the next real estate tax bill
7 within the county. The refund shall be limited to the amount
8 of the overpayment.

9 It is the intent of this Division that after the
10 effective date of this amendatory Act of 1988 a
11 municipality's own ad valorem tax arising from levies on
12 taxable real property be included in the determination of
13 incremental revenue in the manner provided in paragraph (c)
14 of Section 11-74.4-9. If the municipality does not extend
15 such a tax, it shall annually deposit in the municipality's
16 Special Tax Increment Fund an amount equal to 10% of the
17 total contributions to the fund from all other taxing
18 districts in that year. The annual 10% deposit required by
19 this paragraph shall be limited to the actual amount of
20 municipally produced incremental tax revenues available to
21 the municipality from taxpayers located in the redevelopment
22 project area in that year if: (a) the plan for the area
23 restricts the use of the property primarily to industrial
24 purposes, (b) the municipality establishing the redevelopment
25 project area is a home-rule community with a 1990 population
26 of between 25,000 and 50,000, (c) the municipality is wholly
27 located within a county with a 1990 population of over
28 750,000 and (d) the redevelopment project area was
29 established by the municipality prior to June 1, 1990. This
30 payment shall be in lieu of a contribution of ad valorem
31 taxes on real property. If no such payment is made, any
32 redevelopment project area of the municipality shall be
33 dissolved.

34 If a municipality has adopted tax increment allocation

1 financing by ordinance and the County Clerk thereafter
2 certifies the "total initial equalized assessed value as
3 adjusted" of the taxable real property within such
4 redevelopment project area in the manner provided in
5 paragraph (b) of Section 11-74.4-9, each year after the date
6 of the certification of the total initial equalized assessed
7 value as adjusted until redevelopment project costs and all
8 municipal obligations financing redevelopment project costs
9 have been paid the ad valorem taxes, if any, arising from the
10 levies upon the taxable real property in such redevelopment
11 project area by taxing districts and tax rates determined in
12 the manner provided in paragraph (c) of Section 11-74.4-9
13 shall be divided as follows:

14 (1) That portion of the taxes levied upon each
15 taxable lot, block, tract or parcel of real property
16 which is attributable to the lower of the current
17 equalized assessed value or "current equalized assessed
18 value as adjusted" or the initial equalized assessed
19 value of each such taxable lot, block, tract, or parcel
20 of real property existing at the time tax increment
21 financing was adopted, minus the total current homestead
22 exemptions provided by Sections 15-170 and 15-175 of the
23 Property Tax Code in the redevelopment project area shall
24 be allocated to and when collected shall be paid by the
25 county collector to the respective affected taxing
26 districts in the manner required by law in the absence of
27 the adoption of tax increment allocation financing.

28 (2) That portion, if any, of such taxes which is
29 attributable to the increase in the current equalized
30 assessed valuation of each taxable lot, block, tract, or
31 parcel of real property in the redevelopment project
32 area, over and above the initial equalized assessed value
33 of each property existing at the time tax increment
34 financing was adopted, minus the total current homestead

1 exemptions pertaining to each piece of property provided
2 by Sections 15-170 and 15-175 of the Property Tax Code in
3 the redevelopment project area, shall be allocated to and
4 when collected shall be paid to the municipal Treasurer,
5 who shall deposit said taxes into a special fund called
6 the special tax allocation fund of the municipality for
7 the purpose of paying redevelopment project costs and
8 obligations incurred in the payment thereof.

9 The municipality may pledge in the ordinance the funds in
10 and to be deposited in the special tax allocation fund for
11 the payment of such costs and obligations. No part of the
12 current equalized assessed valuation of each property in the
13 redevelopment project area attributable to any increase above
14 the total initial equalized assessed value, or the total
15 initial equalized assessed value as adjusted, of such
16 properties shall be used in calculating the general State
17 school aid formula, provided for in Section 18-8 of the
18 School Code, until such time as all redevelopment project
19 costs have been paid as provided for in this Section.

20 Whenever a municipality issues bonds for the purpose of
21 financing redevelopment project costs, such municipality may
22 provide by ordinance for the appointment of a trustee, which
23 may be any trust company within the State, and for the
24 establishment of such funds or accounts to be maintained by
25 such trustee as the municipality shall deem necessary to
26 provide for the security and payment of the bonds. If such
27 municipality provides for the appointment of a trustee, such
28 trustee shall be considered the assignee of any payments
29 assigned by the municipality pursuant to such ordinance and
30 this Section. Any amounts paid to such trustee as assignee
31 shall be deposited in the funds or accounts established
32 pursuant to such trust agreement, and shall be held by such
33 trustee in trust for the benefit of the holders of the bonds,
34 and such holders shall have a lien on and a security interest

1 in such funds or accounts so long as the bonds remain
2 outstanding and unpaid. Upon retirement of the bonds, the
3 trustee shall pay over any excess amounts held to the
4 municipality for deposit in the special tax allocation fund.

5 When such redevelopment projects costs, including without
6 limitation all municipal obligations financing redevelopment
7 project costs incurred under this Division, have been paid,
8 all surplus funds then remaining in the special tax
9 allocation fund shall be distributed by being paid by the
10 municipal treasurer to the Department of Revenue, the
11 municipality and the county collector; first to the
12 Department of Revenue and the municipality in direct
13 proportion to the tax incremental revenue received from the
14 State and the municipality, but not to exceed the total
15 incremental revenue received from the State or the
16 municipality less any annual surplus distribution of
17 incremental revenue previously made; with any remaining funds
18 to be paid to the County Collector who shall immediately
19 thereafter pay said funds to the taxing districts in the
20 redevelopment project area in the same manner and proportion
21 as the most recent distribution by the county collector to
22 the affected districts of real property taxes from real
23 property in the redevelopment project area.

24 Upon the payment of all redevelopment project costs,
25 retirement of obligations and the distribution of any excess
26 monies pursuant to this Section, the municipality shall adopt
27 an ordinance dissolving the special tax allocation fund for
28 the redevelopment project area and terminating the
29 designation of the redevelopment project area as a
30 redevelopment project area. Municipalities shall notify
31 affected taxing districts prior to November 1 if the
32 redevelopment project area is to be terminated by December 31
33 of that same year. If a municipality extends estimated dates
34 of completion of a redevelopment project and retirement of

1 obligations to finance a redevelopment project, as allowed by
2 this amendatory Act of 1993, that extension shall not extend
3 the property tax increment allocation financing authorized by
4 this Section. Thereafter the rates of the taxing districts
5 shall be extended and taxes levied, collected and distributed
6 in the manner applicable in the absence of the adoption of
7 tax increment allocation financing.

8 Nothing in this Section shall be construed as relieving
9 property in such redevelopment project areas from being
10 assessed as provided in the Property Tax Code or as relieving
11 owners of such property from paying a uniform rate of taxes,
12 as required by Section 4 of Article 9 of the Illinois
13 Constitution.

14 (Source: P.A. 90-258, eff. 7-30-97; 91-190, eff. 7-20-99;
15 91-478, eff. 11-1-99; revised 10-13-99.)

16 Section 46. The Metropolitan Pier and Exposition
17 Authority Act is amended by changing Section 23.1 as follows:

18 (70 ILCS 210/23.1) (from Ch. 85, par. 1243.1)

19 Sec. 23.1. (a) The Authority shall, within 90 days
20 after the effective date of this amendatory Act of 1984,
21 establish and maintain an affirmative action program designed
22 to promote equal employment opportunity and eliminate the
23 effects of past discrimination. Such program shall include a
24 plan, including timetables where appropriate, which shall
25 specify goals and methods for increasing participation by
26 women and minorities in employment by the Authority and by
27 parties which contract with the Authority. The Authority
28 shall submit a detailed plan with the General Assembly prior
29 to September 1 of each year. Such program shall also
30 establish procedures and sanctions (including debarment),
31 which the Authority shall enforce to ensure compliance with
32 the plan established pursuant to this Section and with State

1 and federal laws and regulations relating to the employment
2 of women and minorities. A determination by the Authority as
3 to whether a party to a contract with the Authority has
4 achieved the goals or employed the methods for increasing
5 participation by women and minorities shall be determined in
6 accordance with the terms of such contracts or the applicable
7 provisions of rules and regulations of the Authority existing
8 at the time such contract was executed, including any
9 provisions for consideration of good faith efforts at
10 compliance which the Authority may reasonably adopt.

11 (b) The Authority shall adopt and maintain minority and
12 female owned business enterprise procurement programs under
13 the affirmative action program described in subsection (a)
14 for any and all work undertaken by the Authority. That work
15 shall include, but is not limited to, the purchase of
16 professional services, construction services, supplies,
17 materials, and equipment. The programs shall establish goals
18 of awarding not less than 25% of the annual dollar value of
19 all contracts, purchase orders, or other agreements
20 (collectively referred to as "contracts") to minority owned
21 businesses and 5% of the annual dollar value of all contracts
22 to female owned businesses. Without limiting the generality
23 of the foregoing, the programs shall require in connection
24 with the prequalification or consideration of vendors for
25 professional service contracts, construction contracts, and
26 contracts for supplies, materials, equipment, and services
27 that each proposer or bidder submit as part of his or her
28 proposal or bid a commitment detailing how he or she will
29 expend 25% or more of the dollar value of his or her
30 contracts with one or more minority owned businesses and 5%
31 or more of the dollar value with one or more female owned
32 businesses. Bids or proposals that do not include such
33 detailed commitments are not responsive and shall be rejected
34 unless the Authority deems it appropriate to grant a waiver

1 of these requirements. In addition the Authority may, in
2 connection with the selection of providers of professional
3 services, reserve the right to select a minority or female
4 owned business or businesses to fulfill the commitment to
5 minority and female business participation. The commitment
6 to minority and female business participation may be met by
7 the contractor or professional service provider's status as a
8 minority or female owned business, by joint venture or by
9 subcontracting a portion of the work with or purchasing
10 materials for the work from one or more such businesses, or
11 by any combination thereof. Each contract shall require the
12 contractor or provider to submit a certified monthly report
13 detailing the status of that contractor or provider's
14 compliance with the Authority's minority and female owned
15 business enterprise procurement program. The Authority,
16 after reviewing the monthly reports of the contractors and
17 providers, shall compile a comprehensive report regarding
18 compliance with this procurement program and file it
19 quarterly with the General Assembly. If, in connection with
20 a particular contract, the Authority determines that it is
21 impracticable or excessively costly to obtain minority or
22 female owned businesses to perform sufficient work to fulfill
23 the commitment required by this subsection, the Authority
24 shall reduce or waive the commitment in the contract, as may
25 be appropriate. The Authority shall establish rules and
26 regulations setting forth the standards to be used in
27 determining whether or not a reduction or waiver is
28 appropriate. The terms "minority owned business" and "female
29 owned business" have the meanings given to those terms in the
30 Minority--and--Female Business Enterprise for Minorities,
31 Females, and Persons with Disabilities Act.

32 (c) The Authority shall adopt and maintain an
33 affirmative action program in connection with the hiring of
34 minorities and women on the Expansion Project and on any and

1 all construction projects undertaken by the Authority. The
2 program shall be designed to promote equal employment
3 opportunity and shall specify the goals and methods for
4 increasing the participation of minorities and women in a
5 representative mix of job classifications required to perform
6 the respective contracts awarded by the Authority.

7 (d) In connection with the Expansion Project, the
8 Authority shall incorporate the following elements into its
9 minority and female owned business procurement programs to
10 the extent feasible: (1) a major contractors program that
11 permits minority owned businesses and female owned businesses
12 to bear significant responsibility and risk for a portion of
13 the project; (2) a mentor/protege program that provides
14 financial, technical, managerial, equipment, and personnel
15 support to minority owned businesses and female owned
16 businesses; (3) an emerging firms program that includes
17 minority owned businesses and female owned businesses that
18 would not otherwise qualify for the project due to
19 inexperience or limited resources; (4) a small projects
20 program that includes participation by smaller minority owned
21 businesses and female owned businesses on jobs where the
22 total dollar value is \$5,000,000 or less; and (5) a set-aside
23 program that will identify contracts requiring the
24 expenditure of funds less than \$50,000 for bids to be
25 submitted solely by minority owned businesses and female
26 owned businesses.

27 (e) The Authority is authorized to enter into agreements
28 with contractors' associations, labor unions, and the
29 contractors working on the Expansion Project to establish an
30 Apprenticeship Preparedness Training Program to provide for
31 an increase in the number of minority and female journeymen
32 and apprentices in the building trades and to enter into
33 agreements with Community College District 508 to provide
34 readiness training. The Authority is further authorized to

1 enter into contracts with public and private educational
2 institutions and persons in the hospitality industry to
3 provide training for employment in the hospitality industry.

4 (f) McCormick Place Advisory Board. There is created a
5 McCormick Place Advisory Board composed as follows: 7 members
6 shall be named by the Authority who are residents of the area
7 surrounding the McCormick Place Expansion Project and are
8 either minorities, as defined in this subsection, or women; 7
9 members shall be State Senators named by the President of the
10 Senate who are residents of the City of Chicago and are
11 either members of minority groups or women; and 7 members
12 shall be State Representatives named by the Speaker of the
13 House who are residents of the City of Chicago and are either
14 members of minority groups or women. A State Senator or
15 State Representative member may appoint a designee to serve
16 on the McCormick Place Advisory Board in his or her absence.

17 A "member of a minority group" shall mean a person who is
18 a citizen or lawful permanent resident of the United States
19 and who is

20 (1) Black (a person having origins in any of the
21 black racial groups in Africa);

22 (2) Hispanic (a person of Spanish or Portuguese
23 culture with origins in Mexico, South or Central America,
24 or the Caribbean Islands, regardless of race);

25 (3) Asian American (a person having origins in any
26 of the original peoples of the Far East, Southeast Asia,
27 the Indian Subcontinent, or the Pacific Islands); or

28 (4) American Indian or Alaskan Native (a person
29 having origins in any of the original peoples of North
30 America).

31 Members of the McCormick Place Advisory Board shall serve
32 2-year terms and until their successors are appointed, except
33 members who serve as a result of their elected position whose
34 terms shall continue as long as they hold their designated

1 elected positions. Vacancies shall be filled by appointment
2 for the unexpired term in the same manner as original
3 appointments are made. The McCormick Place Advisory Board
4 shall elect its own chairperson.

5 Members of the McCormick Place Advisory Board shall serve
6 without compensation but, at the Authority's discretion,
7 shall be reimbursed for necessary expenses in connection with
8 the performance of their duties.

9 The McCormick Place Advisory Board shall meet quarterly,
10 or as needed, shall produce any reports it deems necessary,
11 and shall:

12 (1) Work with the Authority on ways to improve the
13 area physically and economically;

14 (2) Work with the Authority regarding potential
15 means for providing increased economic opportunities to
16 minorities and women produced indirectly or directly from
17 the construction and operation of the Expansion Project;

18 (3) Work with the Authority to minimize any
19 potential impact on the area surrounding the McCormick
20 Place Expansion Project, including any impact on minority
21 or female owned businesses, resulting from the
22 construction and operation of the Expansion Project;

23 (4) Work with the Authority to find candidates for
24 building trades apprenticeships, for employment in the
25 hospitality industry, and to identify job training
26 programs;

27 (5) Work with the Authority to implement the
28 provisions of subsections (a) through (e) of this Section
29 in the construction of the Expansion Project, including
30 the Authority's goal of awarding not less than 25% and 5%
31 of the annual dollar value of contracts to minority and
32 female owned businesses, the outreach program for
33 minorities and women, and the mentor/protege program for
34 providing assistance to minority and female owned

1 businesses.

2 (Source: P.A. 91-422, eff. 1-1-00; revised 8-23-99.)

3 Section 46.2. The Public Health District Act is amended
4 by changing Section 24 as follows:

5 (70 ILCS 905/24) (from Ch. 111 1/2, par. 20.4)

6 Sec. 24. The bonds authorized by this Act shall be sold
7 and the proceeds thereof used solely for the specified
8 purpose. At or before the time of delivery of any bond, the
9 board shall file with the county clerk of each county in
10 which the district is situated its certificates, stating the
11 amount of bonds to be issued, or denominations, rate of
12 interest, where payable, and shall include a form of bond to
13 be issued. The board shall levy a direct tax upon all of the
14 taxable property within the district sufficient to pay the
15 principal ~~principle~~ and interest on the bonds as and when the
16 same respectively mature. The certificates so filed shall be
17 full authority to the county clerk to extend the tax named
18 therein upon all the taxable property within the district.
19 Such tax shall be in addition to all other taxes and shall
20 not be within any rate limitation otherwise prescribed by
21 law.

22 The proceeds received from the sale of the bonds shall be
23 received and held by the board and expended under its
24 direction upon the warrant of a majority of the members.

25 (Source: Laws 1953, p. 900; revised 9-22-00.)

26 Section 46.4. The Metropolitan Water Reclamation
27 District Act is amended by changing Section 8c as follows:

28 (70 ILCS 2605/8c) (from Ch. 42, par. 327c)

29 Sec. 8c. Every lease of property no longer or not
30 immediately required for corporate purposes of a sanitary

1 district, from such district to others for a term not to
2 exceed 99 years, in accordance with Section 8 of this Act,
3 shall be negotiated, created and executed in the following
4 manner:

5 (1) Notice of such proposed leasing shall be published
6 for 3 consecutive weeks in a newspaper of general circulation
7 published in such sanitary district, if any, and otherwise in
8 the county containing such district.†

9 (2) Prior to receipt of bids for the lease under this
10 Section, the fair market value of every parcel of real
11 property to be leased must be determined by 2 professional
12 appraisers who are members of the American Institute of Real
13 Estate Appraisers or a similar, equivalently recognized
14 professional organization. The sanitary district acting
15 through the general superintendent may select and engage an
16 additional appraiser for such determination of fair market
17 value. Every appraisal report must contain an affidavit
18 certifying the absence of any collusion involving the
19 appraiser and relating to the lease of such property.†

20 (3) Such lease must be awarded to the highest
21 responsible bidder (including established commercial or
22 industrial concerns and financially responsible individuals)
23 upon free and open competitive bids, except that no lease may
24 be awarded unless the bid of such highest responsible bidder
25 provides for an annual rental payment to the sanitary
26 district of at least 6% of the fair market value determined
27 under this Section.†

28 (4) Prior to acceptance of the bid of the highest
29 responsible bidder and before execution of the lease the
30 bidder shall submit to the board of commissioners and general
31 superintendent, for incorporation in the lease, a detailed
32 plan and description of improvements to be constructed upon
33 the leased property, the time within which the improvements
34 will be completed, and the intended uses of the leased

1 property. If there is more than one responsible bid, the
2 board of commissioners may authorize and direct the general
3 superintendent to solicit from the 2 highest responsible
4 bidders written amendments to their prior bids, increasing
5 their rental bid proposal by at least 5% in excess of their
6 prior written bid, or otherwise amending the financial terms
7 of their bid so as to maximize the financial return to the
8 sanitary district during the term of the proposed lease.
9 Upon the general superintendent's tentative agreement with
10 one or more amended bids, the bids may be submitted to the
11 board of commissioners with the recommendation of the general
12 superintendent for acceptance of one or rejection of all.
13 The amendments may not result in a diminution of the terms of
14 the transaction and must result in an agreement that is equal
15 to or greater in value than the highest responsible bid
16 initially received.†

17 (5) The execution of such lease must be contemporaneous
18 to the execution by the lessee, each member of the board of
19 commissioners and the general superintendent of an affidavit
20 certifying the absence of any collusion involving the lessee,
21 the members and the general superintendent and relating to
22 such lease.†

23 (6) No later than 30 days after the effective date of
24 the lease, the lessee must deliver to the sanitary district a
25 certified statement of the County Assessor, Township Assessor
26 or the county clerk of the county wherein the property is
27 situated that such property is presently contained in the
28 official list of lands and lots to be assessed for taxes for
29 the several towns or taxing districts in his county.†

30 (7) Such lease shall provide for a fixed annual rental
31 payment for the first year not less than 6% of the fair
32 market value as determined under this Section and may be
33 subject to annual adjustments based on changes in the
34 Consumer Price Index published by the United States

1 Department of Labor, Bureau of Labor Statistics, or some
2 other well known economic governmental activity index. Any
3 lease, the term of which will extend for 15 years or more,
4 shall provide for a redetermination of the fair market value
5 (independent of improvements to the property subsequent to
6 the effective date of the lease) after the initial 10 years
7 and every 10 years thereafter, in the manner set forth in
8 paragraph (2) of this Section, said redetermination to be as
9 of the first day of each succeeding 10 year period, and
10 annual rental payments shall be adjusted so that the ratio of
11 annual rental to fair market value shall be the same as that
12 ratio for the first year of the preceding 10 year period.
13 The rental payment for the first year of the new 10 year
14 period may be subject to Consumer Price Index or other
15 allowable index adjustments for each of the next 9 years, or
16 until the end of the lease term if there are less than 9
17 years remaining.

18 (8) A sanitary district may require compensation to be
19 paid in addition to rent, based on a reasonable percentage of
20 revenues derived from a lessee's business operations on the
21 leasehold premises or subleases, or may require additional
22 compensation from the lessee or any sublessee in the form of
23 services, including but not limited to solid waste disposal;
24 provided, however, that such additional compensation shall
25 not be considered in determining the highest responsible bid,
26 said highest responsible bid to be determined only on the
27 initial annual rental payment as set forth in paragraph (3)
28 of this Section.

29 (9) No assignment of such lease or sublease of such
30 property is effective unless approved in writing by the
31 general superintendent and the board of commissioners of the
32 sanitary district. No assignment or sublease is effective if
33 the assignee or sublessee is a trust constituted by real
34 property of which the trustee has title but no power of

1 management or control, unless the identity of the
2 beneficiaries of the trust is revealed, upon demand, to the
3 general superintendent and the board of commissioners of the
4 sanitary district.†

5 (10) Failure by the lessee to comply with a provision in
6 the lease relating to improvements upon the leased property
7 or any other provision constitutes grounds for forfeiture of
8 the lease, and upon such failure the sanitary district acting
9 through the general superintendent shall serve the lessee
10 with a notice to terminate the lease and deliver possession
11 of the property to the sanitary district within a particular
12 period.†

13 (11) If the general superintendent and the board of
14 commissioners conclude that it would be in the public
15 interest, said sanitary district may lease to the United
16 States of America and the State of Illinois, County of Cook,
17 any municipal corporation, or any institution of higher
18 learning which has been in existence for 5 years prior to
19 said lease, provided that such lease limit the institution's
20 use of the leased land to only those purposes relating to the
21 operation of such institution's academic or physical
22 educational programs without complying with the prior
23 provisions of this section, upon such terms as may be
24 mutually agreed upon, in accordance with an act concerning
25 "Transfer of Real Estate between Municipal Corporations",
26 approved July 2, 1925, as amended, with provisions that such
27 property is to be applied exclusively to public recreational
28 purposes or other public purposes and that such lease is
29 terminable in accordance with service of a one-year notice to
30 terminate after determination by the board of commissioners
31 and the general superintendent that such property (or part
32 thereof) has become essential to the corporate purposes of
33 the sanitary district.

34 (Source: P.A. 91-248, eff. 1-1-00; revised 3-9-00.)

1 Section 47. The Illinois Sports Facilities Authority Act
2 is amended by changing Section 9 as follows:

3 (70 ILCS 3205/9) (from Ch. 85, par. 6009)

4 (Text of Section before amendment by P.A. 91-935)

5 Sec. 9. Duties. In addition to the powers set forth
6 elsewhere in this Act, subject to the terms of any agreements
7 with the holders of the Authority's bonds or notes, the
8 Authority shall:

9 (1) Comply with all zoning, building, and land use
10 controls of the municipality within which it owns any
11 stadium facility.†

12 (2) Enter into a management agreement with a tenant
13 to operate the facility for a period at least as long as
14 the term of any bonds issued to finance construction of
15 the facility. Such agreement shall contain appropriate
16 and reasonable provisions with respect to termination,
17 default and legal remedies.†

18 (3) Create and maintain a financial reserve for
19 repair and replacement of capital assets and deposit into
20 this reserve not less than \$1,000,000 per year beginning
21 at such time as the Authority and the tenant shall
22 agree.†

23 (4) Acquire a site or sites for a facility
24 reasonably accessible to the interested public and
25 capable of providing adequate spaces for automobile
26 parking.†

27 (5) In connection with prequalification of general
28 contractors for construction of the new stadium facility,
29 the Authority shall require submission of a commitment
30 detailing how the general contractor will expend 25% or
31 more of the dollar value of the general contract with one
32 or more minority business enterprises and 5% or more of
33 the dollar value with one or more female business

1 enterprises. This commitment may be met by contractor's
2 status as a minority business enterprise or female
3 business enterprise, by a joint venture or by
4 subcontracting a portion of the work with or by
5 purchasing materials for the work from one or more such
6 enterprises, or by any combination thereof. Any contract
7 with the general contractor for construction of the new
8 stadium facility shall require the general contractor to
9 meet the foregoing obligations and shall require monthly
10 reporting to the Authority with respect to the status of
11 the implementation of the contractor's affirmative action
12 plan and compliance with that plan. This report shall be
13 filed with the General Assembly. The Authority shall
14 establish and maintain an affirmative action program
15 designed to promote equal employment opportunity which
16 specifies the goals and methods for increasing
17 participation by minorities and women in a representative
18 mix of job classifications required to perform the
19 respective contracts. The Authority shall file a report
20 before March 1 of each year with the General Assembly
21 detailing its implementation of this paragraph. The
22 terms "minority business enterprise" and "female business
23 enterprise" shall have the same meanings as "minority
24 owned business" and "female owned business",
25 respectively, as defined provided in the Minority-and
26 Female Business Enterprise for Minorities, Females, and
27 Persons with Disabilities Act.;

28 (6) Provide for the construction of any facility
29 pursuant to one or more contracts which require delivery
30 of a completed facility at a fixed maximum price to be
31 insured or guaranteed by a third party determined by the
32 Authority to be financially capable of causing completion
33 of construction of such a facility.

34 (Source: P.A. 85-1034; revised 8-23-99.)

1 (Text of Section after amendment by P.A. 91-935)

2 Sec. 9. Duties. In addition to the powers set forth
3 elsewhere in this Act, subject to the terms of any agreements
4 with the holders of the Authority's bonds or notes, the
5 Authority shall:

6 (1) Comply with all zoning, building, and land use
7 controls of the municipality within which is located any
8 stadium facility owned by the Authority or for which the
9 Authority provides financial assistance.

10 (2) With respect to a facility owned or to be owned
11 by the Authority, enter or have entered into a management
12 agreement with a tenant of the Authority to operate the
13 facility that requires the tenant to operate the facility
14 for a period at least as long as the term of any bonds
15 issued to finance the development, establishment,
16 construction, erection, acquisition, repair,
17 reconstruction, remodeling, adding to, extension,
18 improvement, equipping, operation, and maintenance of the
19 facility. Such agreement shall contain appropriate and
20 reasonable provisions with respect to termination,
21 default and legal remedies.

22 (3) With respect to a facility owned or to be owned
23 by a governmental owner other than the Authority, enter
24 into an assistance agreement with either a governmental
25 owner of a facility or its tenant, or both, that requires
26 the tenant, or if the tenant is not a party to the
27 assistance agreement requires the governmental owner to
28 enter into an agreement with the tenant that requires the
29 tenant to use the facility for a period at least as long
30 as the term of any bonds issued to finance the
31 reconstruction, renovation, remodeling, extension or
32 improvement of all or substantially all of the facility.

33 (4) Create and maintain a separate financial
34 reserve for repair and replacement of capital assets of

1 any facility owned by the Authority or for which the
2 Authority provides financial assistance and deposit into
3 this reserve not less than \$1,000,000 per year for each
4 such facility beginning at such time as the Authority and
5 the tenant, or the Authority and a governmental owner of
6 a facility, as applicable, shall agree.

7 (5) In connection with prequalification of general
8 contractors for the construction of a new stadium
9 facility or the reconstruction, renovation, remodeling,
10 extension, or improvement of all or substantially all of
11 an existing facility, the Authority shall require
12 submission of a commitment detailing how the general
13 contractor will expend 25% or more of the dollar value of
14 the general contract with one or more minority business
15 enterprises and 5% or more of the dollar value with one
16 or more female business enterprises. This commitment may
17 be met by contractor's status as a minority business
18 enterprise or female business enterprise, by a joint
19 venture or by subcontracting a portion of the work with
20 or by purchasing materials for the work from one or more
21 such enterprises, or by any combination thereof. Any
22 contract with the general contractor for construction of
23 the new stadium facility and any contract for the
24 reconstruction, renovation, remodeling, adding to,
25 extension or improvement of all or substantially all of
26 an existing facility shall require the general contractor
27 to meet the foregoing obligations and shall require
28 monthly reporting to the Authority with respect to the
29 status of the implementation of the contractor's
30 affirmative action plan and compliance with that plan.
31 This report shall be filed with the General Assembly.
32 The Authority shall establish and maintain an
33 affirmative action program designed to promote equal
34 employment opportunity which specifies the goals and

1 methods for increasing participation by minorities and
2 women in a representative mix of job classifications
3 required to perform the respective contracts. The
4 Authority shall file a report before March 1 of each year
5 with the General Assembly detailing its implementation of
6 this paragraph. The terms "minority business enterprise"
7 and "female business enterprise" shall have the same
8 meanings as "minority owned business" and "female owned
9 business", respectively, as defined in the Business
10 Enterprise for Minorities, Females, and Persons with
11 Disabilities Act.

12 (6) Provide for the construction of any new
13 facility pursuant to one or more contracts which require
14 delivery of a completed facility at a fixed maximum price
15 to be insured or guaranteed by a third party determined
16 by the Authority to be financially capable of causing
17 completion of such construction of the new facility.

18 In connection with any assistance agreement with a
19 governmental owner that provides financial assistance for a
20 facility to be used by a National Football League team, the
21 assistance agreement shall provide that the Authority or its
22 agent shall enter into the contract or contracts for the
23 design and construction services or design/build services for
24 such facility and thereafter transfer its rights and
25 obligations under the contract or contracts to the
26 governmental owner of the facility. In seeking parties to
27 provide design and construction services or design/build
28 services with respect to such facility, the Authority may use
29 such procurement procedures as it may determine, including,
30 without limitation, the selection of design professionals and
31 construction managers or design/builders as may be required
32 by a team that is at risk, in whole or in part, for the cost
33 of design and construction of the facility.

34 An assistance agreement may not provide, directly or

1 indirectly, for the payment to the Chicago Park District of
2 more than a total of \$10,000,000 on account of the District's
3 loss of property or revenue in connection with the renovation
4 of a facility pursuant to the assistance agreement.

5 (Source: P.A. 91-935, eff. 6-1-01.)

6 Section 48. The Regional Transportation Authority Act is
7 amended by changing Section 4.09 as follows:

8 (70 ILCS 3615/4.09) (from Ch. 111 2/3, par. 704.09)

9 Sec. 4.09. Public Transportation Fund and the Regional
10 Transportation Authority Occupation and Use Tax Replacement
11 Fund.

12 (a) As soon as possible after the first day of each
13 month, beginning November 1, 1983, the Comptroller shall
14 order transferred and the Treasurer shall transfer from the
15 General Revenue Fund to a special fund in the State Treasury,
16 to be known as the "Public Transportation Fund" \$9,375,000
17 for each month remaining in State fiscal year 1984. As soon
18 as possible after the first day of each month, beginning July
19 1, 1984, upon certification of the Department of Revenue, the
20 Comptroller shall order transferred and the Treasurer shall
21 transfer from the General Revenue Fund to the Public
22 Transportation Fund an amount equal to 25% of the net
23 revenue, before the deduction of the serviceman and retailer
24 discounts pursuant to Section 9 of the Service Occupation Tax
25 Act and Section 3 of the Retailers' Occupation Tax Act,
26 realized from any tax imposed by the Authority pursuant to
27 Sections 4.03 and 4.03.1 and 25% of the amounts deposited
28 into the Regional Transportation Authority tax fund created
29 by Section 4.03 of this Act, from the County and Mass Transit
30 District Fund as provided in Section 6z-20 of the State
31 Finance Act and 25% of the amounts deposited into the
32 Regional Transportation Authority Occupation and Use Tax

1 Replacement Fund from the State and Local Sales Tax Reform
2 Fund as provided in Section 6z-17 of the State Finance Act.
3 Net revenue realized for a month shall be the revenue
4 collected by the State pursuant to Sections 4.03 and 4.03.1
5 during the previous month from within the metropolitan
6 region, less the amount paid out during that same month as
7 refunds to taxpayers for overpayment of liability in the
8 metropolitan region under Sections 4.03 and 4.03.1.

9 (b) (1) All moneys deposited in the Public
10 Transportation Fund and the Regional Transportation
11 Authority Occupation and Use Tax Replacement Fund,
12 whether deposited pursuant to this Section or otherwise,
13 are allocated to the Authority. Pursuant to
14 appropriation, the Comptroller, as soon as possible after
15 each monthly transfer provided in this Section and after
16 each deposit into the Public Transportation Fund, shall
17 order the Treasurer to pay to the Authority out of the
18 Public Transportation Fund the amount so transferred or
19 deposited. Such amounts paid to the Authority may be
20 expended by it for its purposes as provided in this Act.

21 Subject to appropriation to the Department of
22 Revenue, the Comptroller, as soon as possible after each
23 deposit into the Regional Transportation Authority
24 Occupation and Use Tax Replacement Fund provided in this
25 Section and Section 6z-17 of the State Finance Act, shall
26 order the Treasurer to pay to the Authority out of the
27 Regional Transportation Authority Occupation and Use Tax
28 Replacement Fund the amount so deposited. Such amounts
29 paid to the Authority may be expended by it for its
30 purposes as provided in this Act.

31 (2) Provided, however, no moneys deposited under
32 subsection (a) of this Section shall be paid from the
33 Public Transportation Fund to the Authority or its
34 assignee for any fiscal year beginning after the

1 effective date of this amendatory Act of 1983 until the
 2 Authority has certified to the Governor, the Comptroller,
 3 and the Mayor of the City of Chicago that it has adopted
 4 for that fiscal year a budget and financial plan meeting
 5 the requirements in Section 4.01(b).

6 (c) In recognition of the efforts of the Authority to
 7 enhance the mass transportation facilities under its control,
 8 the State shall provide financial assistance ("Additional
 9 State Assistance") in excess of the amounts transferred to
 10 the Authority from the General Revenue Fund under subsection
 11 (a) of this Section. Additional State Assistance shall be
 12 calculated as provided in subsection (d), but shall in no
 13 event exceed the following specified amounts with respect to
 14 the following State fiscal years:

15	1990	\$5,000,000;
16	1991	\$5,000,000;
17	1992	\$10,000,000;
18	1993	\$10,000,000;
19	1994	\$20,000,000;
20	1995	\$30,000,000;
21	1996	\$40,000,000;
22	1997	\$50,000,000;
23	1998	\$55,000,000; and
24	each year thereafter	\$55,000,000.

25 (c-5) The State shall provide financial assistance
 26 ("Additional Financial Assistance") in addition to the
 27 Additional State Assistance provided by subsection (c) and
 28 the amounts transferred to the Authority from the General
 29 Revenue Fund under subsection (a) of this Section.
 30 Additional Financial Assistance provided by this subsection
 31 shall be calculated as provided in subsection (d), but shall
 32 in no event exceed the following specified amounts with
 33 respect to the following State fiscal years:

34	2000	\$0;
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1 2001 \$16,000,000;
2 2002 \$35,000,000;
3 2003 \$54,000,000;
4 2004 \$73,000,000;
5 2005 \$93,000,000; and
6 each year thereafter \$100,000,000.

7 (d) Beginning with State fiscal year 1990 and continuing
8 for each State fiscal year thereafter, the Authority shall
9 annually certify to the State Comptroller and State
10 Treasurer, separately with respect to each of subdivisions
11 (g)(2) and (g)(3) of Section 4.04 of this Act, the following
12 amounts:

13 (1) The amount necessary and required, during the
14 State fiscal year with respect to which the certification
15 is made, to pay its obligations for debt service on all
16 outstanding bonds or notes issued by the Authority under
17 subdivisions (g)(2) and (g)(3) of Section 4.04 of this
18 Act.

19 (2) An estimate of the amount necessary and
20 required to pay its obligations for debt service for any
21 bonds or notes which the Authority anticipates it will
22 issue under subdivisions (g)(2) and (g)(3) of Section
23 4.04 during that State fiscal year.

24 (3) Its debt service savings during the preceding
25 State fiscal year from refunding or advance refunding of
26 bonds or notes issued under subdivisions (g)(2) and
27 (g)(3) of Section 4.04.

28 (4) The amount of interest, if any, earned by the
29 Authority during the previous State fiscal year on the
30 proceeds of bonds or notes issued pursuant to
31 subdivisions (g)(2) and (g)(3) of Section 4.04, other
32 than refunding or advance refunding bonds or notes.

33 The certification shall include a specific schedule of
34 debt service payments, including the date and amount of each

1 payment for all outstanding bonds or notes and an estimated
2 schedule of anticipated debt service for all bonds and notes
3 it intends to issue, if any, during that State fiscal year,
4 including the estimated date and estimated amount of each
5 payment.

6 Immediately upon the issuance of bonds for which an
7 estimated schedule of debt service payments was prepared, the
8 Authority shall file an amended certification with respect to
9 item (2) above, to specify the actual schedule of debt
10 service payments, including the date and amount of each
11 payment, for the remainder of the State fiscal year.

12 On the first day of each month of the State fiscal year
13 in which there are bonds outstanding with respect to which
14 the certification is made, the State Comptroller shall order
15 transferred and the State Treasurer shall transfer from the
16 General Revenue Fund to the Public Transportation Fund the
17 Additional State Assistance and Additional Financial
18 Assistance in an amount equal to the aggregate of (i)
19 one-twelfth of the sum of the amounts certified under items
20 (1) and (3) above less the amount certified under item (4)
21 above, plus (ii) the amount required to pay debt service on
22 bonds and notes issued during the fiscal year, if any,
23 divided by the number of months remaining in the fiscal year
24 after the date of issuance, or some smaller portion as may be
25 necessary under subsection (c) or (c-5) of this Section for
26 the relevant State fiscal year, plus (iii) any cumulative
27 deficiencies in transfers for prior months, until an amount
28 equal to the sum of the amounts certified under items (1) and
29 (3) above, plus the actual debt service certified under item
30 (2) above, less the amount certified under item (4) above,
31 has been transferred; except that these transfers are subject
32 to the following limits:

33 (A) In no event shall the total transfers in any
34 State fiscal year relating to outstanding bonds and notes

1 issued by the Authority under subdivision (g)(2) of
2 Section 4.04 exceed the lesser of the annual maximum
3 amount specified in subsection (c) or the sum of the
4 amounts certified under items (1) and (3) above, plus the
5 actual debt service certified under item (2) above, less
6 the amount certified under item (4) above, with respect
7 to those bonds and notes.

8 (B) In no event shall the total transfers in any
9 State fiscal year relating to outstanding bonds and notes
10 issued by the Authority under subdivision (g)(3) of
11 Section 4.04 exceed the lesser of the annual maximum
12 amount specified in subsection (c-5) or the sum of the
13 amounts certified under items (1) and (3) above, plus the
14 actual debt service certified under item (2) above, less
15 the amount certified under item (4) above, with respect
16 to those bonds and notes.

17 The term "outstanding" does not include bonds or notes
18 for which refunding or advance refunding bonds or notes have
19 been issued.

20 (e) Neither Additional State Assistance nor Additional
21 Financial Assistance may be pledged, either directly or
22 indirectly as general revenues of the Authority, as security
23 for any bonds issued by the Authority. The Authority may not
24 assign its right to receive Additional State Assistance or
25 Additional Financial Assistance, or direct payment of
26 Additional State Assistance or Additional Financial
27 Assistance, to a trustee or any other entity for the payment
28 of debt service on its bonds.

29 (f) The certification required under subsection (d) with
30 respect to outstanding bonds and notes of the Authority shall
31 be filed as early as practicable before the beginning of the
32 State fiscal year to which it relates. The certification
33 shall be revised as may be necessary to accurately state the
34 debt service requirements of the Authority.

1 (g) Within 6 months of the end of the 3 month period
2 ending December 31, 1983, and each fiscal year thereafter,
3 the Authority shall determine whether the aggregate of all
4 system generated revenues for public transportation in the
5 metropolitan region which is provided by, or under grant or
6 purchase of service contracts with, the Service Boards equals
7 50% of the aggregate of all costs of providing such public
8 transportation. "System generated revenues" include all the
9 proceeds of fares and charges for services provided,
10 contributions received in connection with public
11 transportation from units of local government other than the
12 Authority and from the State pursuant to subsection (i) of
13 Section 2705-305 of the Department of Transportation Law (20
14 ILCS 2705/2705-305), and all other revenues properly included
15 consistent with generally accepted accounting principles but
16 may not include the proceeds from any borrowing. "Costs"
17 include all items properly included as operating costs
18 consistent with generally accepted accounting principles,
19 including administrative costs, but do not include:
20 depreciation; payment of principal and interest on bonds,
21 notes or other evidences of obligations for borrowed money of
22 the Authority; payments with respect to public transportation
23 facilities made pursuant to subsection (b) of Section 2.20;
24 any payments with respect to rate protection contracts,
25 credit enhancements or liquidity agreements made under
26 Section 4.14; any other cost as to which it is reasonably
27 expected that a cash expenditure will not be made; costs up
28 to \$5,000,000 annually for passenger security including
29 grants, contracts, personnel, equipment and administrative
30 expenses, except in the case of the Chicago Transit
31 Authority, in which case the term does not include costs
32 spent annually by that entity for protection against crime as
33 required by Section 27a of the Metropolitan Transit Authority
34 Act; or costs as exempted by the Board for projects pursuant

1 to Section 2.09 of this Act. If said system generated
2 revenues are less than 50% of said costs, the Board shall
3 remit an amount equal to the amount of the deficit to the
4 State. The Treasurer shall deposit any such payment in the
5 General Revenue Fund.

6 (h) If the Authority makes any payment to the State
7 under paragraph (g), the Authority shall reduce the amount
8 provided to a Service Board from funds transferred under
9 paragraph (a) in proportion to the amount by which that
10 Service Board failed to meet its required system generated
11 revenues recovery ratio. A Service Board which is affected by
12 a reduction in funds under this paragraph shall submit to the
13 Authority concurrently with its next due quarterly report a
14 revised budget incorporating the reduction in funds. The
15 revised budget must meet the criteria specified in clauses
16 (i) through (vi) of Section 4.11(b)(2). The Board shall
17 review and act on the revised budget as provided in Section
18 4.11(b)(3).

19 (Source: P.A. 91-37, eff. 7-1-99; 91-51, eff. 6-30-99;
20 91-239, eff. 1-1-00; 91-357, eff. 7-29-99; revised 8-9-99.)

21 Section 49. The School Code is amended by setting forth
22 and renumbering multiple versions of Sections 2-3.126,
23 10-20.31, and 34-18.18 and changing Sections 14-8.05,
24 18-8.05, 21-2, 27A-4, 27A-9, 27A-11.5, and 34-8.3 as follows:

25 (105 ILCS 5/2-3.126)

26 (Section scheduled to be repealed on July 16, 2003)

27 Sec. 2-3.126. State Board of Education Fund. The State
28 Board of Education Fund is created as a special fund in the
29 State treasury. Unless specifically directed to be deposited
30 into any other funds or into the General Revenue Fund, all
31 moneys received by the State Board of Education in connection
32 with any fees, registration amounts, or other moneys

1 collected by the State Board of Education for various
2 purposes shall be deposited into this Fund. Moneys in this
3 Fund shall be used, subject to appropriation by the General
4 Assembly, by the State Board of Education for expenses
5 incurred in administering programs, initiatives, and
6 activities implemented or supported by the State Board of
7 Education as authorized by statute or rule. The State Board
8 of Education may expend moneys in this Fund in such amounts
9 and at such times as it deems necessary or desirable,
10 including for payment of administrative costs, staff
11 services, and costs for other lawful purposes. Moneys in
12 this Fund shall be used together with and supplemental to
13 regular appropriations to the State Board of Education for
14 any purpose, and nothing in this Section shall be construed
15 to prohibit appropriations from the General Revenue Fund for
16 expenses incurred in the administration of programs,
17 initiatives, or activities implemented or supported by the
18 State Board of Education. This Section is repealed 4 years
19 after the effective date of this amendatory Act of the 91st
20 General Assembly.

21 (Source: P.A. 91-143, eff. 7-16-99.)

22 (105 ILCS 5/2-3.128)

23 Sec. 2-3.128. ~~2-3-126.~~ Job training program; prohibition.
24 The State Board of Education shall not require a school
25 district or a student of any district to participate in any
26 school-to-work or job training program.

27 (Source: P.A. 91-175, eff. 1-1-00; revised 11-8-99.)

28 (105 ILCS 5/2-3.129)

29 Sec. 2-3.129. ~~2-3-126.~~ School safety assessment audit.
30 The State Board of Education shall, in cooperation with the
31 Task Force on School Safety and utilizing any of its manuals
32 or resource guides, develop uniform criteria to be

1 implemented in school safety plans. Using these criteria,
2 the State Board of Education shall develop a school safety
3 assessment audit, which shall be distributed to all public
4 schools.

5 (Source: P.A. 91-491, eff. 8-13-99; revised 11-8-99.)

6 (105 ILCS 5/2-3.130)

7 Sec. 2-3.130. ~~2-3-126.~~ Time out and physical restraint
8 rules. The State Board of Education shall promulgate rules
9 governing the use of time out and physical restraint in the
10 public schools. The rules shall include provisions governing
11 recordkeeping that is required when physical restraint or
12 more restrictive forms of time out are used.

13 (Source: P.A. 91-600, eff. 8-14-99; revised 11-8-99.)

14 (105 ILCS 5/10-20.31)

15 Sec. 10-20.31. Occupational standards. A school board
16 shall not require a student to meet occupational standards
17 for grade level promotion or graduation unless that student
18 is voluntarily enrolled in a job training program.

19 (Source: P.A. 91-175, eff. 1-1-00.)

20 (105 ILCS 5/10-20.32)

21 Sec. 10-20.32. ~~10-20-31.~~ School safety assessment audit;
22 safety plan. The school board shall require schools, subject
23 to the award of a grant by the State Board of Education, to
24 complete a school safety assessment audit, as developed by
25 the State Board of Education pursuant to Section 2-3.129,
26 ~~2-3-126,~~ and to develop a written safety plan or revise their
27 current safety plan to implement the criteria developed by
28 the State Board of Education, in cooperation with the Task
29 Force on School Safety, as specified in the school safety
30 assessment audit. The plan shall be subject to approval by
31 the school board. Once approved, the school shall file the

1 plan with the State Board of Education and the regional
2 superintendent of schools. The State Board of Education shall
3 provide, subject to appropriation, grants for the purposes of
4 this Section.

5 (Source: P.A. 91-491, eff. 8-13-99; revised 11-8-99.)

6 (105 ILCS 5/10-20.33)

7 Sec. 10-20.33. ~~10-20.31~~. Time out and physical restraint.
8 Until rules are adopted under Section 2-3.130 ~~2-3.126~~ of this
9 Code, the use of any of the following rooms or enclosures for
10 time out purposes is prohibited:

11 (1) a locked room other than one with a locking
12 mechanism that engages only when a key or handle is being
13 held by a person;

14 (2) a confining space such as a closet or box;

15 (3) a room where the student cannot be continually
16 observed; or

17 (4) any other room or enclosure or time out
18 procedure that is contrary to current guidelines of the
19 State Board of Education.

20 The use of physical restraints is prohibited except when
21 (i) the student poses a physical risk to himself, herself, or
22 others, (ii) there is no medical contraindication to its use,
23 and (iii) the staff applying the restraint have been trained
24 in its safe application. For the purposes of this Section,
25 "restraint" does not include momentary periods of physical
26 restriction by direct person-to-person contact, without the
27 aid of material or mechanical devices, accomplished with
28 limited force and that are designed (i) to prevent a student
29 from completing an act that would result in potential
30 physical harm to himself, herself, or another or damage to
31 property or (ii) to remove a disruptive student who is
32 unwilling to voluntarily leave the area. The use of physical
33 restraints that meet the requirements of this Section may be

1 included in a student's individualized education plan where
2 deemed appropriate by the student's individualized education
3 plan team. Whenever physical restraints are used, school
4 personnel shall fully document the incident, including the
5 events leading up to the incident, the type of restraint
6 used, the length of time the student is restrained, and the
7 staff involved. The parents or guardian of a student shall
8 be informed whenever physical restraints are used.

9 (Source: P.A. 91-600, eff. 8-14-99; revised 11-8-99.)

10 (105 ILCS 5/14-8.05) (from Ch. 122, par. 14-8.05)

11 Sec. 14-8.05. Behavioral intervention.

12 (a) The General Assembly finds and declares that
13 principals and teachers of students with disabilities require
14 training and guidance that provide ways for working
15 successfully with children who have difficulties conforming
16 to acceptable behavioral patterns in order to provide an
17 environment in which learning can occur. It is the intent of
18 the General Assembly:

19 (1) That when behavioral interventions are used,
20 they be used in consideration of the pupil's physical
21 freedom and social interaction, and be administered in a
22 manner that respects human dignity and personal privacy
23 and that ensures a pupil's right to placement in the
24 least restrictive educational environment.

25 (2) That behavioral management plans be developed
26 and used, to the extent possible, in a consistent manner
27 when a local educational agency has placed the pupil in a
28 day or residential setting for education purposes.

29 (3) That a statewide study be conducted of the use
30 of behavioral interventions with students with
31 disabilities receiving special education and related
32 services.

33 (4) That training programs be developed and

1 implemented in institutions of higher education that
2 train teachers, and that in-service training programs be
3 made available as necessary in school districts, in
4 educational service centers, and by regional
5 superintendents of schools to assure that adequately
6 trained staff are available to work effectively with the
7 behavioral intervention needs of students with
8 disabilities.

9 (b) On or before September 30, 1993, the State
10 Superintendent of Education shall conduct a statewide study
11 of the use of behavioral interventions with students with
12 disabilities receiving special education and related
13 services. The study shall include, but not necessarily be
14 limited to identification of the frequency in the use of
15 behavioral interventions; the number of districts with
16 policies in place for working with children exhibiting
17 continuous serious behavioral problems; how policies, rules,
18 or regulations within districts differ between emergency and
19 routine behavioral interventions commonly practiced; the
20 nature and extent of costs for training provided to personnel
21 for implementing a program of nonaversive behavioral
22 interventions; and the nature and extent of costs for
23 training provided to parents of students with disabilities
24 who would be receiving behavioral interventions. The scope
25 of the study shall be developed by the State Board of
26 Education, in consultation with individuals and groups
27 representing parents, teachers, administrators, and
28 advocates. On or before June 30, 1994, the State Board of
29 Education shall issue guidelines based on the study's
30 findings. The guidelines shall address, but not be limited
31 to, the following: (i) appropriate behavioral interventions,
32 and (ii) how to properly document the need for and use of
33 behavioral interventions in the process of developing
34 individualized education plans for students with

1 disabilities. The guidelines shall be used as a reference to
2 assist school boards in developing local policies and
3 procedures in accordance with this Section. The State Board
4 of Education, with the advice of parents of students with
5 disabilities and other parents, teachers, administrators,
6 advocates for persons with disabilities, and individuals with
7 knowledge or expertise in the development and implementation
8 of behavioral interventions for persons with disabilities,
9 shall review its behavioral intervention guidelines at least
10 once every 3 years to determine their continuing
11 appropriateness and effectiveness and shall make such
12 modifications in the guidelines as it deems necessary.

13 (c) Each school board must establish and maintain a
14 committee to develop policies and procedures on the use of
15 behavioral interventions for students with disabilities who
16 require behavioral intervention. The policies and procedures
17 shall be adopted and implemented by school boards by January
18 1, 1996, shall be amended as necessary to comply with the
19 rules established by the State Board of Education under
20 Section 2-3.130 ~~2-3.126~~ of this Code not later than one month
21 after commencement of the school year after the State Board
22 of Education's rules are adopted, and shall: (i) be developed
23 with the advice of parents with students with disabilities
24 and other parents, teachers, administrators, advocates for
25 persons with disabilities, and individuals with knowledge or
26 expertise in the development and implementation of behavioral
27 interventions for persons with disabilities; (ii) emphasize
28 positive interventions that are designed to develop and
29 strengthen desirable behaviors; (iii) incorporate procedures
30 and methods consistent with generally accepted practice in
31 the field of behavioral intervention; (iv) include criteria
32 for determining when a student with disabilities may require
33 a behavioral intervention plan; (v) reflect that the
34 guidelines of the State Board of Education have been reviewed

1 and considered and provide the address of the State Board of
2 Education so that copies of the State Board of Education
3 behavioral guidelines may be requested; and (vi) include
4 procedures for monitoring the use of restrictive behavioral
5 interventions. Each school board shall (i) furnish a copy of
6 its local policies and procedures to parents and guardians of
7 all students with individualized education plans within 15
8 days after the policies and procedures have been adopted by
9 the school board, or within 15 days after the school board
10 has amended its policies and procedures, or at the time an
11 individualized education plan is first implemented for the
12 student, and (ii) require that each school inform its
13 students of the existence of the policies and procedures
14 annually. Provided, at the annual individualized education
15 plan review, the school board shall (1) explain the local
16 policies and procedures, (2) furnish a copy of the local
17 policies to parents and guardians, and (3) make available,
18 upon request of any parents and guardians, a copy of local
19 procedures.

20 (d) The State Superintendent of Education shall consult
21 with representatives of institutions of higher education and
22 the State Teacher Certification Board in regard to the
23 current training requirements for teachers to ensure that
24 sufficient training is available in appropriate behavioral
25 interventions consistent with professionally accepted
26 practices and standards for people entering the field of
27 education.

28 (Source: P.A. 90-63, eff. 7-3-97; 91-600, eff. 8-14-99;
29 revised 11-8-99.)

30 (105 ILCS 5/18-8.05)

31 Sec. 18-8.05. Basis for apportionment of general State
32 financial aid and supplemental general State aid to the
33 common schools for the 1998-1999 and subsequent school years.

1 (A) General Provisions.

2 (1) The provisions of this Section apply to the
3 1998-1999 and subsequent school years. The system of general
4 State financial aid provided for in this Section is designed
5 to assure that, through a combination of State financial aid
6 and required local resources, the financial support provided
7 each pupil in Average Daily Attendance equals or exceeds a
8 prescribed per pupil Foundation Level. This formula approach
9 imputes a level of per pupil Available Local Resources and
10 provides for the basis to calculate a per pupil level of
11 general State financial aid that, when added to Available
12 Local Resources, equals or exceeds the Foundation Level. The
13 amount of per pupil general State financial aid for school
14 districts, in general, varies in inverse relation to
15 Available Local Resources. Per pupil amounts are based upon
16 each school district's Average Daily Attendance as that term
17 is defined in this Section.

18 (2) In addition to general State financial aid, school
19 districts with specified levels or concentrations of pupils
20 from low income households are eligible to receive
21 supplemental general State financial aid grants as provided
22 pursuant to subsection (H). The supplemental State aid grants
23 provided for school districts under subsection (H) shall be
24 appropriated for distribution to school districts as part of
25 the same line item in which the general State financial aid
26 of school districts is appropriated under this Section.

27 (3) To receive financial assistance under this Section,
28 school districts are required to file claims with the State
29 Board of Education, subject to the following requirements:

30 (a) Any school district which fails for any given
31 school year to maintain school as required by law, or to
32 maintain a recognized school is not eligible to file for
33 such school year any claim upon the Common School Fund.
34 In case of nonrecognition of one or more attendance

1 centers in a school district otherwise operating
2 recognized schools, the claim of the district shall be
3 reduced in the proportion which the Average Daily
4 Attendance in the attendance center or centers bear to
5 the Average Daily Attendance in the school district. A
6 "recognized school" means any public school which meets
7 the standards as established for recognition by the State
8 Board of Education. A school district or attendance
9 center not having recognition status at the end of a
10 school term is entitled to receive State aid payments due
11 upon a legal claim which was filed while it was
12 recognized.

13 (b) School district claims filed under this Section
14 are subject to Sections 18-9, 18-10, and 18-12, except as
15 otherwise provided in this Section.

16 (c) If a school district operates a full year
17 school under Section 10-19.1, the general State aid to
18 the school district shall be determined by the State
19 Board of Education in accordance with this Section as
20 near as may be applicable.

21 (d) (Blank).

22 (4) Except as provided in subsections (H) and (L), the
23 board of any district receiving any of the grants provided
24 for in this Section may apply those funds to any fund so
25 received for which that board is authorized to make
26 expenditures by law.

27 School districts are not required to exert a minimum
28 Operating Tax Rate in order to qualify for assistance under
29 this Section.

30 (5) As used in this Section the following terms, when
31 capitalized, shall have the meaning ascribed herein:

32 (a) "Average Daily Attendance": A count of pupil
33 attendance in school, averaged as provided for in
34 subsection (C) and utilized in deriving per pupil

1 financial support levels.

2 (b) "Available Local Resources": A computation of
3 local financial support, calculated on the basis of
4 Average Daily Attendance and derived as provided pursuant
5 to subsection (D).

6 (c) "Corporate Personal Property Replacement
7 Taxes": Funds paid to local school districts pursuant to
8 "An Act in relation to the abolition of ad valorem
9 personal property tax and the replacement of revenues
10 lost thereby, and amending and repealing certain Acts and
11 parts of Acts in connection therewith", certified August
12 14, 1979, as amended (Public Act 81-1st S.S.-1).

13 (d) "Foundation Level": A prescribed level of per
14 pupil financial support as provided for in subsection
15 (B).

16 (e) "Operating Tax Rate": All school district
17 property taxes extended for all purposes, except Bond and
18 Interest, Summer School, Rent, Capital Improvement, and
19 Vocational Education Building purposes.

20 (B) Foundation Level.

21 (1) The Foundation Level is a figure established by the
22 State representing the minimum level of per pupil financial
23 support that should be available to provide for the basic
24 education of each pupil in Average Daily Attendance. As set
25 forth in this Section, each school district is assumed to
26 exert a sufficient local taxing effort such that, in
27 combination with the aggregate of general State financial aid
28 provided the district, an aggregate of State and local
29 resources are available to meet the basic education needs of
30 pupils in the district.

31 (2) For the 1998-1999 school year, the Foundation Level
32 of support is \$4,225. For the 1999-2000 school year, the
33 Foundation Level of support is \$4,325. For the 2000-2001
34 school year, the Foundation Level of support is \$4,425.

1 (3) For the 2001-2002 school year and each school year
2 thereafter, the Foundation Level of support is \$4,425 or such
3 greater amount as may be established by law by the General
4 Assembly.

5 (C) Average Daily Attendance.

6 (1) For purposes of calculating general State aid
7 pursuant to subsection (E), an Average Daily Attendance
8 figure shall be utilized. The Average Daily Attendance
9 figure for formula calculation purposes shall be the monthly
10 average of the actual number of pupils in attendance of each
11 school district, as further averaged for the best 3 months of
12 pupil attendance for each school district. In compiling the
13 figures for the number of pupils in attendance, school
14 districts and the State Board of Education shall, for
15 purposes of general State aid funding, conform attendance
16 figures to the requirements of subsection (F).

17 (2) The Average Daily Attendance figures utilized in
18 subsection (E) shall be the requisite attendance data for the
19 school year immediately preceding the school year for which
20 general State aid is being calculated.

21 (D) Available Local Resources.

22 (1) For purposes of calculating general State aid
23 pursuant to subsection (E), a representation of Available
24 Local Resources per pupil, as that term is defined and
25 determined in this subsection, shall be utilized. Available
26 Local Resources per pupil shall include a calculated dollar
27 amount representing local school district revenues from local
28 property taxes and from Corporate Personal Property
29 Replacement Taxes, expressed on the basis of pupils in
30 Average Daily Attendance.

31 (2) In determining a school district's revenue from
32 local property taxes, the State Board of Education shall
33 utilize the equalized assessed valuation of all taxable

1 property of each school district as of September 30 of the
2 previous year. The equalized assessed valuation utilized
3 shall be obtained and determined as provided in subsection
4 (G).

5 (3) For school districts maintaining grades kindergarten
6 through 12, local property tax revenues per pupil shall be
7 calculated as the product of the applicable equalized
8 assessed valuation for the district multiplied by 3.00%, and
9 divided by the district's Average Daily Attendance figure.
10 For school districts maintaining grades kindergarten through
11 8, local property tax revenues per pupil shall be calculated
12 as the product of the applicable equalized assessed valuation
13 for the district multiplied by 2.30%, and divided by the
14 district's Average Daily Attendance figure. For school
15 districts maintaining grades 9 through 12, local property tax
16 revenues per pupil shall be the applicable equalized assessed
17 valuation of the district multiplied by 1.05%, and divided by
18 the district's Average Daily Attendance figure.

19 (4) The Corporate Personal Property Replacement Taxes
20 paid to each school district during the calendar year 2 years
21 before the calendar year in which a school year begins,
22 divided by the Average Daily Attendance figure for that
23 district, shall be added to the local property tax revenues
24 per pupil as derived by the application of the immediately
25 preceding paragraph (3). The sum of these per pupil figures
26 for each school district shall constitute Available Local
27 Resources as that term is utilized in subsection (E) in the
28 calculation of general State aid.

29 (E) Computation of General State Aid.

30 (1) For each school year, the amount of general State
31 aid allotted to a school district shall be computed by the
32 State Board of Education as provided in this subsection.

33 (2) For any school district for which Available Local
34 Resources per pupil is less than the product of 0.93 times

1 the Foundation Level, general State aid for that district
2 shall be calculated as an amount equal to the Foundation
3 Level minus Available Local Resources, multiplied by the
4 Average Daily Attendance of the school district.

5 (3) For any school district for which Available Local
6 Resources per pupil is equal to or greater than the product
7 of 0.93 times the Foundation Level and less than the product
8 of 1.75 times the Foundation Level, the general State aid per
9 pupil shall be a decimal proportion of the Foundation Level
10 derived using a linear algorithm. Under this linear
11 algorithm, the calculated general State aid per pupil shall
12 decline in direct linear fashion from 0.07 times the
13 Foundation Level for a school district with Available Local
14 Resources equal to the product of 0.93 times the Foundation
15 Level, to 0.05 times the Foundation Level for a school
16 district with Available Local Resources equal to the product
17 of 1.75 times the Foundation Level. The allocation of
18 general State aid for school districts subject to this
19 paragraph 3 shall be the calculated general State aid per
20 pupil figure multiplied by the Average Daily Attendance of
21 the school district.

22 (4) For any school district for which Available Local
23 Resources per pupil equals or exceeds the product of 1.75
24 times the Foundation Level, the general State aid for the
25 school district shall be calculated as the product of \$218
26 multiplied by the Average Daily Attendance of the school
27 district.

28 (5) The amount of general State aid allocated to a
29 school district for the 1999-2000 school year meeting the
30 requirements set forth in paragraph (4) of subsection (G)
31 shall be increased by an amount equal to the general State
32 aid that would have been received by the district for the
33 1998-1999 school year by utilizing the Extension Limitation
34 Equalized Assessed Valuation as calculated in paragraph (4)

1 of subsection (G) less the general State aid allotted for the
2 1998-1999 school year. This amount shall be deemed a one
3 time increase, and shall not affect any future general State
4 aid allocations.

5 (F) Compilation of Average Daily Attendance.

6 (1) Each school district shall, by July 1 of each year,
7 submit to the State Board of Education, on forms prescribed
8 by the State Board of Education, attendance figures for the
9 school year that began in the preceding calendar year. The
10 attendance information so transmitted shall identify the
11 average daily attendance figures for each month of the school
12 year, except that any days of attendance in August shall be
13 added to the month of September and any days of attendance in
14 June shall be added to the month of May.

15 Except as otherwise provided in this Section, days of
16 attendance by pupils shall be counted only for sessions of
17 not less than 5 clock hours of school work per day under
18 direct supervision of: (i) teachers, or (ii) non-teaching
19 personnel or volunteer personnel when engaging in
20 non-teaching duties and supervising in those instances
21 specified in subsection (a) of Section 10-22.34 and paragraph
22 10 of Section 34-18, with pupils of legal school age and in
23 kindergarten and grades 1 through 12.

24 Days of attendance by tuition pupils shall be accredited
25 only to the districts that pay the tuition to a recognized
26 school.

27 (2) Days of attendance by pupils of less than 5 clock
28 hours of school shall be subject to the following provisions
29 in the compilation of Average Daily Attendance.

30 (a) Pupils regularly enrolled in a public school
31 for only a part of the school day may be counted on the
32 basis of 1/6 day for every class hour of instruction of
33 40 minutes or more attended pursuant to such enrollment.

34 (b) Days of attendance may be less than 5 clock

1 hours on the opening and closing of the school term, and
2 upon the first day of pupil attendance, if preceded by a
3 day or days utilized as an institute or teachers'
4 workshop.

5 (c) A session of 4 or more clock hours may be
6 counted as a day of attendance upon certification by the
7 regional superintendent, and approved by the State
8 Superintendent of Education to the extent that the
9 district has been forced to use daily multiple sessions.

10 (d) A session of 3 or more clock hours may be
11 counted as a day of attendance (1) when the remainder of
12 the school day or at least 2 hours in the evening of that
13 day is utilized for an in-service training program for
14 teachers, up to a maximum of 5 days per school year of
15 which a maximum of 4 days of such 5 days may be used for
16 parent-teacher conferences, provided a district conducts
17 an in-service training program for teachers which has
18 been approved by the State Superintendent of Education;
19 or, in lieu of 4 such days, 2 full days may be used, in
20 which event each such day may be counted as a day of
21 attendance; and (2) when days in addition to those
22 provided in item (1) are scheduled by a school pursuant
23 to its school improvement plan adopted under Article 34
24 or its revised or amended school improvement plan adopted
25 under Article 2, provided that (i) such sessions of 3 or
26 more clock hours are scheduled to occur at regular
27 intervals, (ii) the remainder of the school days in which
28 such sessions occur are utilized for in-service training
29 programs or other staff development activities for
30 teachers, and (iii) a sufficient number of minutes of
31 school work under the direct supervision of teachers are
32 added to the school days between such regularly scheduled
33 sessions to accumulate not less than the number of
34 minutes by which such sessions of 3 or more clock hours

1 fall short of 5 clock hours. Any full days used for the
2 purposes of this paragraph shall not be considered for
3 computing average daily attendance. Days scheduled for
4 in-service training programs, staff development
5 activities, or parent-teacher conferences may be
6 scheduled separately for different grade levels and
7 different attendance centers of the district.

8 (e) A session of not less than one clock hour of
9 teaching hospitalized or homebound pupils on-site or by
10 telephone to the classroom may be counted as 1/2 day of
11 attendance, however these pupils must receive 4 or more
12 clock hours of instruction to be counted for a full day
13 of attendance.

14 (f) A session of at least 4 clock hours may be
15 counted as a day of attendance for first grade pupils,
16 and pupils in full day kindergartens, and a session of 2
17 or more hours may be counted as 1/2 day of attendance by
18 pupils in kindergartens which provide only 1/2 day of
19 attendance.

20 (g) For children with disabilities who are below
21 the age of 6 years and who cannot attend 2 or more clock
22 hours because of their disability or immaturity, a
23 session of not less than one clock hour may be counted as
24 1/2 day of attendance; however for such children whose
25 educational needs so require a session of 4 or more clock
26 hours may be counted as a full day of attendance.

27 (h) A recognized kindergarten which provides for
28 only 1/2 day of attendance by each pupil shall not have
29 more than 1/2 day of attendance counted in any one day.
30 However, kindergartens may count 2 1/2 days of attendance
31 in any 5 consecutive school days. When a pupil attends
32 such a kindergarten for 2 half days on any one school
33 day, the pupil shall have the following day as a day
34 absent from school, unless the school district obtains

1 permission in writing from the State Superintendent of
 2 Education. Attendance at kindergartens which provide for
 3 a full day of attendance by each pupil shall be counted
 4 the same as attendance by first grade pupils. Only the
 5 first year of attendance in one kindergarten shall be
 6 counted, except in case of children who entered the
 7 kindergarten in their fifth year whose educational
 8 development requires a second year of kindergarten as
 9 determined under the rules and regulations of the State
 10 Board of Education.

11 (G) Equalized Assessed Valuation Data.

12 (1) For purposes of the calculation of Available Local
 13 Resources required pursuant to subsection (D), the State
 14 Board of Education shall secure from the Department of
 15 Revenue the value as equalized or assessed by the Department
 16 of Revenue of all taxable property of every school district,
 17 together with (i) the applicable tax rate used in extending
 18 taxes for the funds of the district as of September 30 of the
 19 previous year and (ii) the limiting rate for all school
 20 districts subject to property tax extension limitations as
 21 imposed under the Property Tax Extension Limitation Law.

22 This equalized assessed valuation, as adjusted further by
 23 the requirements of this subsection, shall be utilized in the
 24 calculation of Available Local Resources.

25 (2) The equalized assessed valuation in paragraph (1)
 26 shall be adjusted, as applicable, in the following manner:

27 (a) For the purposes of calculating State aid under
 28 this Section, with respect to any part of a school
 29 district within a redevelopment project area in respect
 30 to which a municipality has adopted tax increment
 31 allocation financing pursuant to the Tax Increment
 32 Allocation Redevelopment Act, Sections 11-74.4-1 through
 33 11-74.4-11 of the Illinois Municipal Code or the
 34 Industrial Jobs Recovery Law, Sections 11-74.6-1 through

1 11-74.6-50 of the Illinois Municipal Code, no part of the
2 current equalized assessed valuation of real property
3 located in any such project area which is attributable to
4 an increase above the total initial equalized assessed
5 valuation of such property shall be used as part of the
6 equalized assessed valuation of the district, until such
7 time as all redevelopment project costs have been paid,
8 as provided in Section 11-74.4-8 of the Tax Increment
9 Allocation Redevelopment Act or in Section 11-74.6-35 of
10 the Industrial Jobs Recovery Law. For the purpose of the
11 equalized assessed valuation of the district, the total
12 initial equalized assessed valuation or the current
13 equalized assessed valuation, whichever is lower, shall
14 be used until such time as all redevelopment project
15 costs have been paid.

16 (b) The real property equalized assessed valuation
17 for a school district shall be adjusted by subtracting
18 from the real property value as equalized or assessed by
19 the Department of Revenue for the district an amount
20 computed by dividing the amount of any abatement of taxes
21 under Section 18-170 of the Property Tax Code by 3.00%
22 for a district maintaining grades kindergarten through
23 12, by 2.30% for a district maintaining grades
24 kindergarten through 8, or by 1.05% for a district
25 maintaining grades 9 through 12 and adjusted by an amount
26 computed by dividing the amount of any abatement of taxes
27 under subsection (a) of Section 18-165 of the Property
28 Tax Code by the same percentage rates for district type
29 as specified in this subparagraph (b).

30 (3) For the 1999-2000 school year and each school year
31 thereafter, if a school district meets all of the criteria of
32 this subsection (G)(3), the school district's Available Local
33 Resources shall be calculated under subsection (D) using the
34 district's Extension Limitation Equalized Assessed Valuation

1 as calculated under this subsection (G)(3).

2 For purposes of this subsection (G)(3) the following
3 terms shall have the following meanings:

4 "Budget Year": The school year for which general
5 State aid is calculated and awarded under subsection (E).

6 "Base Tax Year": The property tax levy year used to
7 calculate the Budget Year allocation of general State
8 aid.

9 "Preceding Tax Year": The property tax levy year
10 immediately preceding the Base Tax Year.

11 "Base Tax Year's Tax Extension": The product of the
12 equalized assessed valuation utilized by the County Clerk
13 in the Base Tax Year multiplied by the limiting rate as
14 calculated by the County Clerk and defined in the
15 Property Tax Extension Limitation Law.

16 "Preceding Tax Year's Tax Extension": The product of
17 the equalized assessed valuation utilized by the County
18 Clerk in the Preceding Tax Year multiplied by the
19 Operating Tax Rate as defined in subsection (A).

20 "Extension Limitation Ratio": A numerical ratio,
21 certified by the County Clerk, in which the numerator is
22 the Base Tax Year's Tax Extension and the denominator is
23 the Preceding Tax Year's Tax Extension.

24 "Operating Tax Rate": The operating tax rate as
25 defined in subsection (A).

26 If a school district is subject to property tax extension
27 limitations as imposed under the Property Tax Extension
28 Limitation Law, and if the Available Local Resources of that
29 school district as calculated pursuant to subsection (D)
30 using the Base Tax Year are less than the product of 1.75
31 times the Foundation Level for the Budget Year, the State
32 Board of Education shall calculate the Extension Limitation
33 Equalized Assessed Valuation of that district. For the
34 1999-2000 school year, the Extension Limitation Equalized

1 Assessed Valuation of a school district as calculated by the
2 State Board of Education shall be equal to the product of the
3 district's 1996 Equalized Assessed Valuation and the
4 district's Extension Limitation Ratio. For the 2000-2001
5 school year and each school year thereafter, the Extension
6 Limitation Equalized Assessed Valuation of a school district
7 as calculated by the State Board of Education shall be equal
8 to the product of the last calculated Extension Limitation
9 Equalized Assessed Valuation and the district's Extension
10 Limitation Ratio. If the Extension Limitation Equalized
11 Assessed Valuation of a school district as calculated under
12 this subsection (G)(3) is less than the district's equalized
13 assessed valuation as calculated pursuant to subsections
14 (G)(1) and (G)(2), then for purposes of calculating the
15 district's general State aid for the Budget Year pursuant to
16 subsection (E), that Extension Limitation Equalized Assessed
17 Valuation shall be utilized to calculate the district's
18 Available Local Resources under subsection (D).

19 (4) For the purposes of calculating general State aid
20 for the 1999-2000 school year only, if a school district
21 experienced a triennial reassessment on the equalized
22 assessed valuation used in calculating its general State
23 financial aid apportionment for the 1998-1999 school year,
24 the State Board of Education shall calculate the Extension
25 Limitation Equalized Assessed Valuation that would have been
26 used to calculate the district's 1998-1999 general State aid.
27 This amount shall equal the product of the equalized assessed
28 valuation used to calculate general State aid for the
29 1997-1998 school year and the district's Extension Limitation
30 Ratio. If the Extension Limitation Equalized Assessed
31 Valuation of the school district as calculated under this
32 paragraph (4) is less than the district's equalized assessed
33 valuation utilized in calculating the district's 1998-1999
34 general State aid allocation, then for purposes of

1 calculating the district's general State aid pursuant to
2 paragraph (5) of subsection (E), that Extension Limitation
3 Equalized Assessed Valuation shall be utilized to calculate
4 the district's Available Local Resources.

5 (5) For school districts having a majority of their
6 equalized assessed valuation in any county except Cook,
7 DuPage, Kane, Lake, McHenry, or Will, if the amount of
8 general State aid allocated to the school district for the
9 1999-2000 school year under the provisions of subsection (E),
10 (H), and (J) of this Section is less than the amount of
11 general State aid allocated to the district for the 1998-1999
12 school year under these subsections, then the general State
13 aid of the district for the 1999-2000 school year only shall
14 be increased by the difference between these amounts. The
15 total payments made under this paragraph (5) shall not exceed
16 \$14,000,000. Claims shall be prorated if they exceed
17 \$14,000,000.

18 (H) Supplemental General State Aid.

19 (1) In addition to the general State aid a school
20 district is allotted pursuant to subsection (E), qualifying
21 school districts shall receive a grant, paid in conjunction
22 with a district's payments of general State aid, for
23 supplemental general State aid based upon the concentration
24 level of children from low-income households within the
25 school district. Supplemental State aid grants provided for
26 school districts under this subsection shall be appropriated
27 for distribution to school districts as part of the same line
28 item in which the general State financial aid of school
29 districts is appropriated under this Section. For purposes of
30 this subsection, the term "Low-Income Concentration Level"
31 shall be the low-income eligible pupil count from the most
32 recently available federal census divided by the Average
33 Daily Attendance of the school district. If, however, the
34 percentage decrease from the 2 most recent federal censuses

1 in the low-income eligible pupil count of a high school
2 district with fewer than 400 students exceeds by 75% or more
3 the percentage change in the total low-income eligible pupil
4 count of contiguous elementary school districts, whose
5 boundaries are coterminous with the high school district, the
6 high school district's low-income eligible pupil count from
7 the earlier federal census shall be the number used as the
8 low-income eligible pupil count for the high school district,
9 for purposes of this subsection (H).

10 (2) Supplemental general State aid pursuant to this
11 subsection shall be provided as follows:

12 (a) For any school district with a Low Income
13 Concentration Level of at least 20% and less than 35%,
14 the grant for any school year shall be \$800 multiplied by
15 the low income eligible pupil count.

16 (b) For any school district with a Low Income
17 Concentration Level of at least 35% and less than 50%,
18 the grant for the 1998-1999 school year shall be \$1,100
19 multiplied by the low income eligible pupil count.

20 (c) For any school district with a Low Income
21 Concentration Level of at least 50% and less than 60%,
22 the grant for the 1998-99 school year shall be \$1,500
23 multiplied by the low income eligible pupil count.

24 (d) For any school district with a Low Income
25 Concentration Level of 60% or more, the grant for the
26 1998-99 school year shall be \$1,900 multiplied by the low
27 income eligible pupil count.

28 (e) For the 1999-2000 school year, the per pupil
29 amount specified in subparagraphs (b), (c), and (d)
30 immediately above shall be increased to \$1,243, \$1,600,
31 and \$2,000, respectively.

32 (f) For the 2000-2001 school year, the per pupil
33 amounts specified in subparagraphs (b), (c), and (d)
34 immediately above shall be \$1,273, \$1,640, and \$2,050,

1 respectively.

2 (3) School districts with an Average Daily Attendance of
3 more than 1,000 and less than 50,000 that qualify for
4 supplemental general State aid pursuant to this subsection
5 shall submit a plan to the State Board of Education prior to
6 October 30 of each year for the use of the funds resulting
7 from this grant of supplemental general State aid for the
8 improvement of instruction in which priority is given to
9 meeting the education needs of disadvantaged children. Such
10 plan shall be submitted in accordance with rules and
11 regulations promulgated by the State Board of Education.

12 (4) School districts with an Average Daily Attendance of
13 50,000 or more that qualify for supplemental general State
14 aid pursuant to this subsection shall be required to
15 distribute from funds available pursuant to this Section, no
16 less than \$261,000,000 in accordance with the following
17 requirements:

18 (a) The required amounts shall be distributed to
19 the attendance centers within the district in proportion
20 to the number of pupils enrolled at each attendance
21 center who are eligible to receive free or reduced-price
22 lunches or breakfasts under the federal Child Nutrition
23 Act of 1966 and under the National School Lunch Act
24 during the immediately preceding school year.

25 (b) The distribution of these portions of
26 supplemental and general State aid among attendance
27 centers according to these requirements shall not be
28 compensated for or contravened by adjustments of the
29 total of other funds appropriated to any attendance
30 centers, and the Board of Education shall utilize funding
31 from one or several sources in order to fully implement
32 this provision annually prior to the opening of school.

33 (c) Each attendance center shall be provided by the
34 school district a distribution of noncategorical funds

1 and other categorical funds to which an attendance center
2 is entitled under law in order that the general State aid
3 and supplemental general State aid provided by
4 application of this subsection supplements rather than
5 supplants the noncategorical funds and other categorical
6 funds provided by the school district to the attendance
7 centers.

8 (d) Any funds made available under this subsection
9 that by reason of the provisions of this subsection are
10 not required to be allocated and provided to attendance
11 centers may be used and appropriated by the board of the
12 district for any lawful school purpose.

13 (e) Funds received by an attendance center pursuant
14 to this subsection shall be used by the attendance center
15 at the discretion of the principal and local school
16 council for programs to improve educational opportunities
17 at qualifying schools through the following programs and
18 services: early childhood education, reduced class size
19 or improved adult to student classroom ratio, enrichment
20 programs, remedial assistance, attendance improvement,
21 and other educationally beneficial expenditures which
22 supplement the regular and basic programs as determined
23 by the State Board of Education. Funds provided shall
24 not be expended for any political or lobbying purposes as
25 defined by board rule.

26 (f) Each district subject to the provisions of this
27 subdivision (H)(4) shall submit an acceptable plan to
28 meet the educational needs of disadvantaged children, in
29 compliance with the requirements of this paragraph, to
30 the State Board of Education prior to July 15 of each
31 year. This plan shall be consistent with the decisions of
32 local school councils concerning the school expenditure
33 plans developed in accordance with part 4 of Section
34 34-2.3. The State Board shall approve or reject the plan

1 within 60 days after its submission. If the plan is
2 rejected, the district shall give written notice of
3 intent to modify the plan within 15 days of the
4 notification of rejection and then submit a modified plan
5 within 30 days after the date of the written notice of
6 intent to modify. Districts may amend approved plans
7 pursuant to rules promulgated by the State Board of
8 Education.

9 Upon notification by the State Board of Education
10 that the district has not submitted a plan prior to July
11 15 or a modified plan within the time period specified
12 herein, the State aid funds affected by that plan or
13 modified plan shall be withheld by the State Board of
14 Education until a plan or modified plan is submitted.

15 If the district fails to distribute State aid to
16 attendance centers in accordance with an approved plan,
17 the plan for the following year shall allocate funds, in
18 addition to the funds otherwise required by this
19 subsection, to those attendance centers which were
20 underfunded during the previous year in amounts equal to
21 such underfunding.

22 For purposes of determining compliance with this
23 subsection in relation to the requirements of attendance
24 center funding, each district subject to the provisions
25 of this subsection shall submit as a separate document by
26 December 1 of each year a report of expenditure data for
27 the prior year in addition to any modification of its
28 current plan. If it is determined that there has been a
29 failure to comply with the expenditure provisions of this
30 subsection regarding contravention or supplanting, the
31 State Superintendent of Education shall, within 60 days
32 of receipt of the report, notify the district and any
33 affected local school council. The district shall within
34 45 days of receipt of that notification inform the State

1 Superintendent of Education of the remedial or corrective
2 action to be taken, whether by amendment of the current
3 plan, if feasible, or by adjustment in the plan for the
4 following year. Failure to provide the expenditure
5 report or the notification of remedial or corrective
6 action in a timely manner shall result in a withholding
7 of the affected funds.

8 The State Board of Education shall promulgate rules
9 and regulations to implement the provisions of this
10 subsection. No funds shall be released under this
11 subdivision (H)(4) to any district that has not submitted
12 a plan that has been approved by the State Board of
13 Education.

14 (I) General State Aid for Newly Configured School Districts.

15 (1) For a new school district formed by combining
16 property included totally within 2 or more previously
17 existing school districts, for its first year of existence
18 the general State aid and supplemental general State aid
19 calculated under this Section shall be computed for the new
20 district and for the previously existing districts for which
21 property is totally included within the new district. If the
22 computation on the basis of the previously existing districts
23 is greater, a supplementary payment equal to the difference
24 shall be made for the first 4 years of existence of the new
25 district.

26 (2) For a school district which annexes all of the
27 territory of one or more entire other school districts, for
28 the first year during which the change of boundaries
29 attributable to such annexation becomes effective for all
30 purposes as determined under Section 7-9 or 7A-8, the general
31 State aid and supplemental general State aid calculated under
32 this Section shall be computed for the annexing district as
33 constituted after the annexation and for the annexing and
34 each annexed district as constituted prior to the annexation;

1 and if the computation on the basis of the annexing and
2 annexed districts as constituted prior to the annexation is
3 greater, a supplementary payment equal to the difference
4 shall be made for the first 4 years of existence of the
5 annexing school district as constituted upon such annexation.

6 (3) For 2 or more school districts which annex all of
7 the territory of one or more entire other school districts,
8 and for 2 or more community unit districts which result upon
9 the division (pursuant to petition under Section 11A-2) of
10 one or more other unit school districts into 2 or more parts
11 and which together include all of the parts into which such
12 other unit school district or districts are so divided, for
13 the first year during which the change of boundaries
14 attributable to such annexation or division becomes effective
15 for all purposes as determined under Section 7-9 or 11A-10,
16 as the case may be, the general State aid and supplemental
17 general State aid calculated under this Section shall be
18 computed for each annexing or resulting district as
19 constituted after the annexation or division and for each
20 annexing and annexed district, or for each resulting and
21 divided district, as constituted prior to the annexation or
22 division; and if the aggregate of the general State aid and
23 supplemental general State aid as so computed for the
24 annexing or resulting districts as constituted after the
25 annexation or division is less than the aggregate of the
26 general State aid and supplemental general State aid as so
27 computed for the annexing and annexed districts, or for the
28 resulting and divided districts, as constituted prior to the
29 annexation or division, then a supplementary payment equal to
30 the difference shall be made and allocated between or among
31 the annexing or resulting districts, as constituted upon such
32 annexation or division, for the first 4 years of their
33 existence. The total difference payment shall be allocated
34 between or among the annexing or resulting districts in the

1 same ratio as the pupil enrollment from that portion of the
2 annexed or divided district or districts which is annexed to
3 or included in each such annexing or resulting district bears
4 to the total pupil enrollment from the entire annexed or
5 divided district or districts, as such pupil enrollment is
6 determined for the school year last ending prior to the date
7 when the change of boundaries attributable to the annexation
8 or division becomes effective for all purposes. The amount
9 of the total difference payment and the amount thereof to be
10 allocated to the annexing or resulting districts shall be
11 computed by the State Board of Education on the basis of
12 pupil enrollment and other data which shall be certified to
13 the State Board of Education, on forms which it shall provide
14 for that purpose, by the regional superintendent of schools
15 for each educational service region in which the annexing and
16 annexed districts, or resulting and divided districts are
17 located.

18 (3.5) Claims for financial assistance under this
19 subsection (I) shall not be recomputed except as expressly
20 provided under this Section.

21 (4) Any supplementary payment made under this subsection
22 (I) shall be treated as separate from all other payments made
23 pursuant to this Section.

24 (J) Supplementary Grants in Aid.

25 (1) Notwithstanding any other provisions of this
26 Section, the amount of the aggregate general State aid in
27 combination with supplemental general State aid under this
28 Section for which each school district is eligible shall be
29 no less than the amount of the aggregate general State aid
30 entitlement that was received by the district under Section
31 18-8 (exclusive of amounts received under subsections 5(p)
32 and 5(p-5) of that Section) for the 1997-98 school year,
33 pursuant to the provisions of that Section as it was then in
34 effect. If a school district qualifies to receive a

1 supplementary payment made under this subsection (J), the
2 amount of the aggregate general State aid in combination with
3 supplemental general State aid under this Section which that
4 district is eligible to receive for each school year shall be
5 no less than the amount of the aggregate general State aid
6 entitlement that was received by the district under Section
7 18-8 (exclusive of amounts received under subsections 5(p)
8 and 5(p-5) of that Section) for the 1997-1998 school year,
9 pursuant to the provisions of that Section as it was then in
10 effect.

11 (2) If, as provided in paragraph (1) of this subsection
12 (J), a school district is to receive aggregate general State
13 aid in combination with supplemental general State aid under
14 this Section for the 1998-99 school year and any subsequent
15 school year that in any such school year is less than the
16 amount of the aggregate general State aid entitlement that
17 the district received for the 1997-98 school year, the school
18 district shall also receive, from a separate appropriation
19 made for purposes of this subsection (J), a supplementary
20 payment that is equal to the amount of the difference in the
21 aggregate State aid figures as described in paragraph (1).

22 (3) (Blank).

23 (K) Grants to Laboratory and Alternative Schools.

24 In calculating the amount to be paid to the governing
25 board of a public university that operates a laboratory
26 school under this Section or to any alternative school that
27 is operated by a regional superintendent of schools, the
28 State Board of Education shall require by rule such reporting
29 requirements as it deems necessary.

30 As used in this Section, "laboratory school" means a
31 public school which is created and operated by a public
32 university and approved by the State Board of Education. The
33 governing board of a public university which receives funds
34 from the State Board under this subsection (K) may not

1 increase the number of students enrolled in its laboratory
2 school from a single district, if that district is already
3 sending 50 or more students, except under a mutual agreement
4 between the school board of a student's district of residence
5 and the university which operates the laboratory school. A
6 laboratory school may not have more than 1,000 students,
7 excluding students with disabilities in a special education
8 program.

9 As used in this Section, "alternative school" means a
10 public school which is created and operated by a Regional
11 Superintendent of Schools and approved by the State Board of
12 Education. Such alternative schools may offer courses of
13 instruction for which credit is given in regular school
14 programs, courses to prepare students for the high school
15 equivalency testing program or vocational and occupational
16 training. A regional superintendent of schools may contract
17 with a school district or a public community college district
18 to operate an alternative school. An alternative school
19 serving more than one educational service region may be
20 established by the regional superintendents of schools of the
21 affected educational service regions. An alternative school
22 serving more than one educational service region may be
23 operated under such terms as the regional superintendents of
24 schools of those educational service regions may agree.

25 Each laboratory and alternative school shall file, on
26 forms provided by the State Superintendent of Education, an
27 annual State aid claim which states the Average Daily
28 Attendance of the school's students by month. The best 3
29 months' Average Daily Attendance shall be computed for each
30 school. The general State aid entitlement shall be computed
31 by multiplying the applicable Average Daily Attendance by the
32 Foundation Level as determined under this Section.

33 (L) Payments, Additional Grants in Aid and Other
34 Requirements.

1 (1) For a school district operating under the financial
2 supervision of an Authority created under Article 34A, the
3 general State aid otherwise payable to that district under
4 this Section, but not the supplemental general State aid,
5 shall be reduced by an amount equal to the budget for the
6 operations of the Authority as certified by the Authority to
7 the State Board of Education, and an amount equal to such
8 reduction shall be paid to the Authority created for such
9 district for its operating expenses in the manner provided in
10 Section 18-11. The remainder of general State school aid for
11 any such district shall be paid in accordance with Article
12 34A when that Article provides for a disposition other than
13 that provided by this Article.

14 (2) (Blank).

15 (3) Summer school. Summer school payments shall be made
16 as provided in Section 18-4.3.

17 (M) Education Funding Advisory Board.

18 The Education Funding Advisory Board, hereinafter in this
19 subsection (M) referred to as the "Board", is hereby created.
20 The Board shall consist of 5 members who are appointed by the
21 Governor, by and with the advice and consent of the Senate.
22 The members appointed shall include representatives of
23 education, business, and the general public. One of the
24 members so appointed shall be designated by the Governor at
25 the time the appointment is made as the chairperson of the
26 Board. The initial members of the Board may be appointed any
27 time after the effective date of this amendatory Act of 1997.
28 The regular term of each member of the Board shall be for 4
29 years from the third Monday of January of the year in which
30 the term of the member's appointment is to commence, except
31 that of the 5 initial members appointed to serve on the
32 Board, the member who is appointed as the chairperson shall
33 serve for a term that commences on the date of his or her
34 appointment and expires on the third Monday of January, 2002,

1 and the remaining 4 members, by lots drawn at the first
2 meeting of the Board that is held after all 5 members are
3 appointed, shall determine 2 of their number to serve for
4 terms that commence on the date of their respective
5 appointments and expire on the third Monday of January, 2001,
6 and 2 of their number to serve for terms that commence on the
7 date of their respective appointments and expire on the third
8 Monday of January, 2000. All members appointed to serve on
9 the Board shall serve until their respective successors are
10 appointed and confirmed. Vacancies shall be filled in the
11 same manner as original appointments. If a vacancy in
12 membership occurs at a time when the Senate is not in
13 session, the Governor shall make a temporary appointment
14 until the next meeting of the Senate, when he or she shall
15 appoint, by and with the advice and consent of the Senate, a
16 person to fill that membership for the unexpired term. If
17 the Senate is not in session when the initial appointments
18 are made, those appointments shall be made as in the case of
19 vacancies.

20 The Education Funding Advisory Board shall be deemed
21 established, and the initial members appointed by the
22 Governor to serve as members of the Board shall take office,
23 on the date that the Governor makes his or her appointment of
24 the fifth initial member of the Board, whether those initial
25 members are then serving pursuant to appointment and
26 confirmation or pursuant to temporary appointments that are
27 made by the Governor as in the case of vacancies.

28 The State Board of Education shall provide such staff
29 assistance to the Education Funding Advisory Board as is
30 reasonably required for the proper performance by the Board
31 of its responsibilities.

32 For school years after the 2000-2001 school year, the
33 Education Funding Advisory Board, in consultation with the
34 State Board of Education, shall make recommendations as

1 provided in this subsection (M) to the General Assembly for
2 the foundation level under subdivision (B)(3) of this Section
3 and for the supplemental general State aid grant level under
4 subsection (H) of this Section for districts with high
5 concentrations of children from poverty. The recommended
6 foundation level shall be determined based on a methodology
7 which incorporates the basic education expenditures of
8 low-spending schools exhibiting high academic performance.
9 The Education Funding Advisory Board shall make such
10 recommendations to the General Assembly on January 1 of odd
11 numbered years, beginning January 1, 2001.

12 (N) (Blank).

13 (O) References.

14 (1) References in other laws to the various subdivisions
15 of Section 18-8 as that Section existed before its repeal and
16 replacement by this Section 18-8.05 shall be deemed to refer
17 to the corresponding provisions of this Section 18-8.05, to
18 the extent that those references remain applicable.

19 (2) References in other laws to State Chapter 1 funds
20 shall be deemed to refer to the supplemental general State
21 aid provided under subsection (H) of this Section.

22 (Source: P.A. 90-548, eff. 7-1-98; incorporates 90-566;
23 90-653, eff. 7-29-98; 90-654, eff. 7-29-98; 90-655, eff.
24 7-30-98; 90-802, eff. 12-15-98; 90-815, eff. 2-11-99; 91-24,
25 eff. 7-1-99; 91-93, eff. 7-9-99; 91-96, eff. 7-9-99; 91-111,
26 eff. 7-14-99; 91-357, eff. 7-29-99; 91-533, eff. 8-13-99;
27 revised 8-27-99.)

28 (105 ILCS 5/21-2) (from Ch. 122, par. 21-2)

29 Sec. 21-2. Grades of certificates.

30 (a) Until February 15, 2000, all certificates issued
31 under this Article shall be State certificates valid, except
32 as limited in Section 21-1, in every school district coming

1 under the provisions of this Act and shall be limited in time
2 and designated as follows: Provisional vocational
3 certificate, temporary provisional vocational certificate,
4 early childhood certificate, elementary school certificate,
5 special certificate, high school certificate, school service
6 personnel certificate, administrative certificate,
7 provisional certificate, and substitute certificate. The
8 requirement of student teaching under close and competent
9 supervision for obtaining a teaching certificate may be
10 waived by the State Teacher Certification Board upon
11 presentation to the Board by the teacher of evidence of 5
12 years successful teaching experience on a valid certificate
13 and graduation from a recognized institution of higher
14 learning with a bachelor's degree with not less than 120
15 semester hours and a minimum of 16 semester hours in
16 professional education.

17 (b) Initial Teaching Certificate. Beginning February
18 15, 2000, persons who (1) have completed an approved teacher
19 preparation program, (2) are recommended by an approved
20 teacher preparation program, (3) have successfully completed
21 the Initial Teaching Certification examinations required by
22 the State Board of Education, and (4) have met all other
23 criteria established by the State Board of Education in
24 consultation with the State Teacher Certification Board,
25 shall be issued an Initial Teaching Certificate valid for 4
26 years of teaching, as defined in Section 21-14 of this Code.
27 Initial Teaching Certificates shall be issued for categories
28 corresponding to Early Childhood, Elementary, Secondary, and
29 Special K-12, with special certification designations for
30 Special Education, Bilingual Education, fundamental learning
31 areas (including Language Arts, Reading, Mathematics,
32 Science, Social Science, Physical Development and Health,
33 Fine Arts, and Foreign Language), and other areas designated
34 by the State Board of Education, in consultation with the

1 State Teacher Certification Board.

2 (c) Standard Certificate. Beginning February 15, 2000,
3 persons who (1) have completed 4 years of teaching, as
4 defined in Section 21-14 of this Code, with an Initial
5 Certificate or an Initial Alternative Teaching Certificate
6 and have met all other criteria established by the State
7 Board of Education in consultation with the State Teacher
8 Certification Board, (2) have completed 4 years of teaching
9 on a valid equivalent certificate in another State or
10 territory of the United States, or have completed 4 years of
11 teaching in a nonpublic Illinois elementary or secondary
12 school with an Initial Certificate or an Initial Alternative
13 Teaching Certificate, and have met all other criteria
14 established by the State Board of Education, in consultation
15 with the State Teacher Certification Board, or (3) were
16 issued teaching certificates prior to February 15, 2000 and
17 are renewing those certificates after February 15, 2000,
18 shall be issued a Standard Certificate valid for 5 years,
19 which may be renewed thereafter every 5 years by the State
20 Teacher Certification Board based on proof of continuing
21 education or professional development. Beginning July 1,
22 2003, persons who have completed 4 years of teaching, as
23 described in clauses (1) and (2) of this subsection (c), have
24 successfully completed the Standard Teaching Certificate
25 Examinations, and have met all other criteria established by
26 the State Board of Education, in consultation with the State
27 Teacher Certification Board, shall be issued Standard
28 Certificates. Standard Certificates shall be issued for
29 categories corresponding to Early Childhood, Elementary,
30 Secondary, and Special K-12, with special certification
31 designations for Special Education, Bilingual Education,
32 fundamental learning areas (including Language Arts, Reading,
33 Mathematics, Science, Social Science, Physical Development
34 and Health, Fine Arts, and Foreign Language), and other areas

1 designated by the State Board of Education, in consultation
2 with the State Teacher Certification Board.

3 (d) Master Certificate. Beginning February 15, 2000,
4 persons who have successfully achieved National Board
5 certification through the National Board for Professional
6 Teaching Standards shall be issued a Master Certificate,
7 valid for 10 years and renewable thereafter every 10 years
8 through compliance with requirements set forth by the State
9 Board of Education, in consultation with the State Teacher
10 Certification Board. However, each teacher who holds a Master
11 Certificate shall be eligible for a teaching position in this
12 State in the areas for which he or she holds a Master
13 Certificate without satisfying any other requirements of this
14 Code, except for those requirements pertaining to criminal
15 background checks. A teacher who holds a Master Certificate
16 shall be deemed to meet State certification renewal
17 requirements in the area or areas for which he or she holds a
18 Master Certificate for the 10-year term of the teacher's
19 Master Certificate.

20 (Source: P.A. 90-548, eff. 1-1-98; 90-653, eff. 7-29-98;
21 90-811, eff. 1-26-99; 91-102, eff. 7-12-99; 91-606, eff.
22 8-16-99; 91-609, eff. 1-1-00; revised 10-7-99.)

23 (105 ILCS 5/27A-4)

24 Sec. 27A-4. General Provisions.

25 (a) The General Assembly does not intend to alter or
26 amend the provisions of any court-ordered desegregation plan
27 in effect for any school district. A charter school shall be
28 subject to all federal and State laws and constitutional
29 provisions prohibiting discrimination on the basis of
30 disability, race, creed, color, gender, national origin,
31 religion, ancestry, marital status, or need for special
32 education services.

33 (b) The total number of charter schools operating under

1 this Article at any one time shall not exceed 45. Not more
2 than 15 charter schools shall operate at any one time in any
3 city having a population exceeding 500,000; not more than 15
4 charter schools shall operate at any one time in the counties
5 of DuPage, Kane, Lake, McHenry, Will, and that portion of
6 Cook County that is located outside a city having a
7 population exceeding 500,000, with not more than one charter
8 school that has been initiated by a board of education, or by
9 an intergovernmental agreement between or among boards of
10 education, operating at any one time in the school district
11 where the charter school is located; and not more than 15
12 charter schools shall operate at any one time in the
13 remainder of the State, with not more than one charter school
14 that has been initiated by a board of education, or by an
15 intergovernmental agreement between or among boards of
16 education, operating at any one time in the school district
17 where the charter school is located.

18 For purposes of implementing this Section, the State
19 Board shall assign a number to each charter submission it
20 receives under Section 27A-6 for its review and
21 certification, based on the chronological order in which the
22 submission is received by it. The State Board shall promptly
23 notify local school boards when the maximum numbers of
24 certified charter schools authorized to operate have been
25 reached.

26 (c) No charter shall be granted under this Article that
27 would convert any existing private, parochial, or non-public
28 school to a charter school.

29 (d) Enrollment in a charter school shall be open to any
30 pupil who resides within the geographic boundaries of the
31 area served by the local school board.

32 (e) Nothing in this Article shall prevent 2 or more
33 local school boards from jointly issuing a charter to a
34 single shared charter school, provided that all of the

1 provisions of this Article are met as to those local school
2 boards.

3 (f) No local school board shall require any employee of
4 the school district to be employed in a charter school.

5 (g) No local school board shall require any pupil
6 residing within the geographic boundary of its district to
7 enroll in a charter school.

8 (h) If there are more eligible applicants for enrollment
9 in a charter school than there are spaces available,
10 successful applicants shall be selected by lottery. However,
11 priority shall be given to siblings of pupils enrolled in the
12 charter school and to pupils who were enrolled in the charter
13 school the previous school year, unless expelled for cause.
14 Dual enrollment at both a charter school and a public school
15 or non-public school shall not be allowed. A pupil who is
16 suspended or expelled from a charter school shall be deemed
17 to be suspended or expelled from the public schools of the
18 school district in which the pupil resides.

19 (i) (Blank).

20 (Source: P.A. 91-357, eff. 7-29-99; 91-405, eff. 8-3-99;
21 91-407, eff. 8-3-99; revised 8-27-99.)

22 (105 ILCS 5/27A-9)

23 Sec. 27A-9. Term of charter; renewal.

24 (a) A charter may be granted for a period not less than
25 5 and not more than 10 school years. A charter may be
26 renewed in incremental periods not to exceed 5 school years.

27 (b) A charter school renewal proposal submitted to the
28 local school board or State Board, as the chartering entity,
29 shall contain:

30 (1) A report on the progress of the charter school
31 in achieving the goals, objectives, pupil performance
32 standards, content standards, and other terms of the
33 initial approved charter proposal; and

1 (2) A financial statement that discloses the costs
2 of administration, instruction, and other spending
3 categories for the charter school that is understandable
4 to the general public and that will allow comparison of
5 those costs to other schools or other comparable
6 organizations, in a format required by the State Board.

7 (c) A charter may be revoked or not renewed if the local
8 school board or State Board, as the chartering entity,
9 clearly demonstrates that the charter school did any of the
10 following, or otherwise failed to comply with the
11 requirements of this law:

12 (1) Committed a material violation of any of the
13 conditions, standards, or procedures set forth in the
14 charter.

15 (2) Failed to meet or make reasonable progress
16 toward achievement of the content standards or pupil
17 performance standards identified in the charter.

18 (3) Failed to meet generally accepted standards of
19 fiscal management.

20 (4) Violated any provision of law from which the
21 charter school was not exempted.

22 (d) (Blank).

23 (e) Notice of a local school board's decision to deny,
24 revoke or not to renew a charter shall be provided to the
25 State Board. The State Board may reverse a local board's
26 decision if the State Board finds that the charter school or
27 charter school proposal (i) is in compliance with this
28 Article, and (ii) is in the best interests of the students it
29 is designed to serve. The State Board may condition the
30 granting of an appeal on the acceptance by the charter school
31 of funding in an amount less than that requested in the
32 proposal submitted to the local school board. Final decisions
33 of the State Board shall be subject to judicial review under
34 the Administrative Review Law.

1 (f) Notwithstanding other provisions of this Article, if
2 the State Board on appeal reverses a local board's decision
3 or if a charter school is approved by referendum, the State
4 Board shall act as the authorized chartering entity for the
5 charter school. The State Board shall approve and certify
6 the charter and shall perform all functions under this
7 Article otherwise performed by the local school board. The
8 State Board shall report the aggregate number of charter
9 school pupils resident in a school district to that district
10 and shall notify the district of the amount of funding to be
11 paid by the State Board to the charter school enrolling such
12 students. The State Board shall require the charter school to
13 maintain accurate records of daily attendance that shall be
14 deemed sufficient to file claims under Section 18-8.05
15 notwithstanding any other requirements of that Section
16 regarding hours of instruction and teacher certification. The
17 State Board shall withhold from funds otherwise due the
18 district the funds authorized by this Article to be paid to
19 the charter school and shall pay such amounts to the charter
20 school.

21 (Source: P.A. 90-548, eff. 1-1-98; 91-96, eff. 7-9-99;
22 91-407, eff. 8-3-99; revised 10-7-99.)

23 (105 ILCS 5/27A-11.5)

24 Sec. 27A-11.5. State financing. The State Board of
25 Education shall make the following funds available to school
26 districts and charter schools:

27 (1) From a separate appropriation made to the State
28 Board for purposes of this subdivision (1), the State
29 Board shall make transition impact aid available to
30 school districts that approve a new charter school or
31 that have funds withheld by the State Board to fund a new
32 charter school that is chartered by the State Board. The
33 amount of the aid shall equal 90% of the per capita

1 funding paid to the charter school during the first year
2 of its initial charter term, 65% of the per capita
3 funding paid to the charter school during the second year
4 of its initial term, and 35% of the per capita funding
5 paid to the charter school during the third year of its
6 initial term. This transition impact aid shall be paid
7 to the local school board in equal quarterly
8 installments, with the payment of the installment for the
9 first quarter being made by August 1st immediately
10 preceding the first, second, and third years of the
11 initial term. The district shall file an application for
12 this aid with the State Board in a format designated by
13 the State Board. If the appropriation is insufficient in
14 any year to pay all approved claims, the impact aid shall
15 be prorated. Transition impact aid shall be paid
16 beginning in the 1999-2000 school year for charter
17 schools that are in the first, second, or third year of
18 their initial term. ~~If--House--Bill--230--of--the--91st~~
19 ~~General--Assembly--becomes--law,~~ Transition impact aid shall
20 not be paid for any charter school that is proposed and
21 created by one or more boards of education, as authorized
22 under the provisions of Public Act 91-405 ~~House-Bill-230~~
23 ~~of-the-91st-General-Assembly.~~

24 (2) From a separate appropriation made for the
25 purpose of this subdivision (2), the State Board shall
26 make grants to charter schools to pay their start-up
27 costs of acquiring educational materials and supplies,
28 textbooks, furniture, and other equipment needed during
29 their initial term. The State Board shall annually
30 establish the time and manner of application for these
31 grants, which shall not exceed \$250 per student enrolled
32 in the charter school.

33 (3) The Charter Schools Revolving Loan Fund is
34 created as a special fund in the State treasury. Federal

1 funds, such other funds as may be made available for
2 costs associated with the establishment of charter
3 schools in Illinois, and amounts repaid by charter
4 schools that have received a loan from the Charter
5 Schools Revolving Loan Fund shall be deposited into the
6 Charter Schools Revolving Loan Fund, and the moneys in
7 the Charter Schools Revolving Loan Fund shall be
8 appropriated to the State Board and used to provide
9 interest-free loans to charter schools. These funds
10 shall be used to pay start-up costs of acquiring
11 educational materials and supplies, textbooks, furniture,
12 and other equipment needed in the initial term of the
13 charter school and for acquiring and remodeling a
14 suitable physical plant, within the initial term of the
15 charter school. Loans shall be limited to one loan per
16 charter school and shall not exceed \$250 per student
17 enrolled in the charter school. A loan shall be repaid
18 by the end of the initial term of the charter school.
19 The State Board may deduct amounts necessary to repay the
20 loan from funds due to the charter school or may require
21 that the local school board that authorized the charter
22 school deduct such amounts from funds due the charter
23 school and remit these amounts to the State Board,
24 provided that the local school board shall not be
25 responsible for repayment of the loan. The State Board
26 may use up to 3% of the appropriation to contract with a
27 non-profit entity to administer the loan program.

28 (4) A charter school may apply for and receive,
29 subject to the same restrictions applicable to school
30 districts, any grant administered by the State Board that
31 is available for school districts.

32 (Source: P.A. 91-407, eff. 8-3-99; revised 8-4-99.)

33 (105 ILCS 5/34-8.3) (from Ch. 122, par. 34-8.3)

1 Sec. 34-8.3. Remediation and probation of attendance
2 centers.

3 (a) The general superintendent shall monitor the
4 performance of the attendance centers within the district and
5 shall identify attendance centers, pursuant to criteria that
6 the board shall establish, in which:

7 (1) there is a failure to develop, implement, or
8 comply with a school improvement plan;

9 (2) there is a pervasive breakdown in the
10 educational program as indicated by factors, including,
11 but not limited to, the absence of improvement in student
12 reading and math achievement scores, an increased
13 drop-out rate, a decreased graduation rate, and a
14 decrease in rate of student attendance;

15 (3) (blank); or

16 (4) there is a failure or refusal to comply with
17 the provisions of this Act, other applicable laws,
18 collective bargaining agreements, court orders, or with
19 Board rules which the Board is authorized to promulgate.

20 (b) If the general superintendent identifies a
21 nonperforming school as described herein, he or she shall
22 place the attendance center on remediation by developing a
23 remediation plan for the center. The purpose of the
24 remediation plan shall be to correct the deficiencies in the
25 performance of the attendance center by one or more of the
26 following methods:

27 (1) drafting a new school improvement plan;

28 (2) applying to the board for additional funding
29 for training for the local school council;

30 (3) directing implementation of a school
31 improvement plan;

32 (4) mediating disputes or other obstacles to reform
33 or improvement at the attendance center.

34 If, however, the general superintendent determines that

1 the problems are not able to be remediated by these methods,
2 the general superintendent shall place the attendance center
3 on probation. The board shall establish guidelines that
4 determine the factors for placing an attendance center on
5 probation.

6 (c) Each school placed on probation shall have a school
7 improvement plan and school budget for correcting
8 deficiencies identified by the board. The plan shall include
9 specific steps that the local school council and school staff
10 must take to correct identified deficiencies and specific
11 objective criteria by which the school's subsequent progress
12 will be determined. The school budget shall include specific
13 expenditures directly calculated to correct educational and
14 operational deficiencies identified at the school by the
15 probation team.

16 (d) Schools placed on probation that, after a maximum of
17 one year, fail to make adequate progress in correcting
18 deficiencies are subject to the following action by the
19 general superintendent with the approval of the board, after
20 opportunity for a hearing:

- 21 (1) Ordering new local school council elections.
- 22 (2) Removing and replacing the principal.
- 23 (3) Replacement of faculty members, subject to the
24 provisions of Section 24A-5.
- 25 (4) Reconstitution of the attendance center and
26 replacement and reassignment by the general
27 superintendent of all employees of the attendance center.
- 28 (5) Intervention under Section 34-8.4.
- 29 (6) Closing of the school.

30 (e) Schools placed on probation shall remain on
31 probation from year to year until deficiencies are corrected,
32 even if such schools make acceptable annual progress. The
33 board shall establish, in writing, criteria for determining
34 whether or not a school shall remain on probation. If

1 academic achievement tests are used as the factor for placing
2 a school on probation, the general superintendent shall
3 consider objective criteria, not just an increase in test
4 scores, in deciding whether or not a school shall remain on
5 probation. These criteria shall include attendance, test
6 scores, student mobility rates, poverty rates, bilingual
7 education eligibility, special education, and English
8 language proficiency programs, with progress made in these
9 areas being taken into consideration in deciding whether or
10 not a school shall remain on probation.

11 (f) Where the board has reason to believe that
12 violations of civil rights, or of civil or criminal law have
13 occurred, or when the general superintendent deems that the
14 school is in educational crisis it may take immediate
15 corrective action, including the actions specified in this
16 Section, without first placing the school on remediation or
17 probation. Nothing described herein shall limit the
18 authority of the board as provided by any law of this State.
19 The board shall develop criteria governing the determination
20 regarding when a school is in educational crisis.

21 (g) All persons serving as subdistrict superintendent on
22 May 1, 1995 shall be deemed by operation of law to be serving
23 under a performance contract which expires on June 30, 1995,
24 and the employment of each such person as subdistrict
25 superintendent shall terminate on June 30, 1995. The board
26 shall have no obligation to compensate any such person as a
27 subdistrict superintendent after June 30, 1995.

28 (h) The general superintendent shall, in consultation
29 with local school councils, conduct an annual evaluation of
30 each principal in the district pursuant to guidelines
31 promulgated by the Board of Education.

32 (Source: P.A. 91-219, eff. 1-1-00; 91-622, eff. 8-19-99;
33 revised 10-13-99.)

1 (105 ILCS 5/34-18.18)

2 Sec. 34-18.18. Occupational standards. The Board shall
3 not require a student to meet occupational standards for
4 grade level promotion or graduation unless that student is
5 voluntarily enrolled in a job training program.

6 (Source: P.A. 91-175, eff. 1-1-00.)

7 (105 ILCS 5/34-18.19)

8 Sec. ~~34-18.19.~~ ~~34-18-18.~~ School safety assessment audit;
9 safety plan. The board of education shall require schools,
10 subject to the award of a grant by the State Board of
11 Education, to complete a school safety assessment audit, as
12 developed by the State Board of Education pursuant to Section
13 ~~2-3.129,~~ ~~2-3-126,~~ and to develop a written safety plan or
14 revise their current safety plan to implement the criteria
15 developed by the State Board of Education, in cooperation
16 with the Task Force on School Safety, as specified in the
17 school safety assessment audit. The plan shall be subject to
18 approval by the board of education. Once approved, the
19 school shall file the plan with the State Board of Education
20 and the regional superintendent of schools. The State Board
21 of Education shall provide, subject to appropriation, grants
22 for the purposes of this Section.

23 (Source: P.A. 91-491, eff. 8-13-99; revised 11-8-99.)

24 (105 ILCS 5/34-18.20)

25 Sec. ~~34-18.20.~~ ~~34-18-18.~~ Time out and physical
26 restraint. Until rules are adopted under Section ~~2-3.130~~
27 ~~2-3-126~~ of this Code, the use of any of the following rooms
28 or enclosures for time out purposes is prohibited:

29 (1) a locked room other than one with a locking
30 mechanism that engages only when a key or handle is being
31 held by a person;

32 (2) a confining space such as a closet or box;

1 (3) a room where the student cannot be continually
2 observed; or

3 (4) any other room or enclosure or time out
4 procedure that is contrary to current guidelines of the
5 State Board of Education.

6 The use of physical restraints is prohibited except when
7 (i) the student poses a physical risk to himself, herself, or
8 others, (ii) there is no medical contraindication to its use,
9 and (iii) the staff applying the restraint have been trained
10 in its safe application. For the purposes of this Section,
11 "restraint" does not include momentary periods of physical
12 restriction by direct person-to-person contact, without the
13 aid of material or mechanical devices, accomplished with
14 limited force and that are designed (i) to prevent a student
15 from completing an act that would result in potential
16 physical harm to himself, herself, or another or damage to
17 property or (ii) to remove a disruptive student who is
18 unwilling to voluntarily leave the area. The use of physical
19 restraints that meet the requirements of this Section may be
20 included in a student's individualized education plan where
21 deemed appropriate by the student's individualized education
22 plan team. Whenever physical restraints are used, school
23 personnel shall fully document the incident, including the
24 events leading up to the incident, the type of restraint
25 used, the length of time the student is restrained, and the
26 staff involved. The parents or guardian of a student shall
27 be informed whenever physical restraints are used.

28 (Source: P.A. 91-600, eff. 8-14-99; revised 11-8-99.)

29 Section 49.5. The School Breakfast and Lunch Program Act
30 is amended by changing Section 8 as follows:

31 (105 ILCS 125/8) (from Ch. 122, par. 712.8)

32 Sec. 8. Filing and forwarding claims for reimbursement.

1 School boards and welfare centers shall file claims for
2 reimbursement, on forms provided by the State Board of
3 Education, on a monthly basis as prescribed by the State
4 Board of Education.

5 (Source: P.A. 91-764, eff. 6-9-00; 91-843, eff. 6-22-00;
6 revised 7-13-00.)

7 Section 50. The Campus Security Act is amended by
8 changing Section 15 as follows:

9 (110 ILCS 12/15)

10 Sec. 15. Arrest reports.

11 (a) When an individual is arrested, the following
12 information must be made available to the news media for
13 inspection and copying:

14 (1) Information that identifies the individual
15 person, including the name, age, address, and photograph,
16 when and if available.

17 (2) Information detailing any charges relating to
18 the arrest.

19 (3) The time and location of the arrest.

20 (4) The name of the investigating or arresting law
21 enforcement agency.

22 (5) If the individual is incarcerated, the amount
23 of any bail or bond.

24 (6) If the individual is incarcerated, the time and
25 date that the individual was received, discharged, or
26 transferred from the arresting agency's custody.

27 (b) The information required by this Section must be
28 made available to the news media for inspection and copying
29 as soon as practicable, but in no event shall the time period
30 exceed 72 hours from the arrest. The information described
31 in paragraphs (3), (4), (5), and (6) ~~3-4-5-and-6~~ of
32 subsection (a), however, may be withheld if it is determined

1 that disclosure would:

2 (1) interfere with pending or actually and
3 reasonably contemplated law enforcement proceedings
4 conducted by any law enforcement or correctional agency;

5 (2) endanger the life or physical safety of law
6 enforcement or correctional personnel or any other
7 person; or

8 (3) compromise the security of any correctional
9 facility.

10 (c) For the purposes of this Section the term "news
11 media" means personnel of a newspaper or other periodical
12 issued at regular intervals, a news service, a radio station,
13 a television station, a community antenna television service,
14 or a person or corporation engaged in making news reels or
15 other motion picture news for public showing.

16 (d) Each law enforcement or correctional agency may
17 charge fees for arrest records, but in no instance may the
18 fee exceed the actual cost of copying and reproduction. The
19 fees may not include the cost of the labor used to reproduce
20 the arrest record.

21 (e) The provisions of this Section do not supersede the
22 confidentiality provisions for arrest records of the Juvenile
23 Court Act of 1987.

24 (Source: P.A. 91-309, eff. 7-29-99; revised 11-3-99.)

25 Section 50.1. The University of Illinois Trustees Act is
26 amended by changing Section 1 as follows:

27 (110 ILCS 310/1) (from Ch. 144, par. 41)

28 Sec. 1. The Board of Trustees of the University of
29 Illinois shall consist of the Governor and at least 12
30 trustees. Nine trustees shall be appointed by the Governor,
31 by and with the advice and consent of the Senate. The other
32 trustees shall be students, of whom one student shall be

1 selected from each University campus.

2 Each student trustee shall serve a term of one year,
3 beginning on July 1 or on the date of his or her selection,
4 whichever is later, and expiring on the next succeeding June
5 30.

6 Each trustee shall have all of the privileges of
7 membership, except that only one student trustee shall have
8 the right to cast a legally binding vote. The Governor shall
9 designate which one of the student trustees shall possess,
10 for his or her entire term, the right to cast a legally
11 binding vote. Each student trustee who does not possess the
12 right to cast a legally binding vote shall have the right to
13 cast an advisory vote and the right to make and second
14 motions and to attend executive sessions.

15 Each trustee shall be governed by the same conflict of
16 interest standards. Pursuant to those standards, it shall
17 not be a conflict of interest for a student trustee to vote
18 on matters pertaining to students generally, such as tuition
19 and fees. However, it shall be a conflict of interest for a
20 student trustee to vote on faculty member tenure or
21 promotion. Student trustees shall be chosen by campus-wide
22 student election, and the student trustee designated by the
23 Governor to possess a legally binding vote shall be one of
24 the students selected by this method. A student trustee who
25 does not possess a legally binding vote on a measure at a
26 meeting of the Board or any of its committees shall not be
27 considered a trustee for the purpose of determining whether a
28 quorum is present at the time that measure is voted upon.
29 To be eligible for selection as a student trustee and to be
30 eligible to remain as a voting or nonvoting student trustee,
31 a student trustee must be a resident of this State, must have
32 and maintain a grade point average that is equivalent to at
33 least 2.5 on a 4.0 scale, and must be a full time student
34 enrolled at all times during his or her term of office except

1 for that part of the term which follows the completion of
2 the last full regular semester of an academic year and
3 precedes the first full regular semester of the succeeding
4 academic year at the University (sometimes commonly referred
5 to as the summer session or summer school). If a voting or
6 nonvoting student trustee fails to continue to meet or
7 maintain the residency, minimum grade point average, or
8 enrollment requirement established by this Section, his or
9 her membership on the Board shall be deemed to have
10 terminated by operation of law.

11 If a voting student trustee resigns or otherwise ceases
12 to serve on the Board, the Governor shall, within 30 days,
13 designate one of the remaining student trustees to possess
14 the right to cast a legally binding vote for the remainder of
15 his or her term. If a nonvoting student trustee resigns or
16 otherwise ceases to serve on the Board, the chief executive
17 of the student government from that campus shall, within 30
18 days, select a new nonvoting student trustee to serve for the
19 remainder of the term.

20 No more than 5 of the 9 appointed trustees shall be
21 affiliated with the same political party. Each trustee
22 appointed by the Governor must be a resident of this State.
23 A failure to meet or maintain this residency requirement
24 constitutes a resignation from and creates a vacancy in the
25 Board. The term of office of each appointed trustee shall be
26 6 years from the third Monday in January of each odd numbered
27 year. The regular terms of office of the appointed trustees
28 shall be staggered so that 3 terms expire in each
29 odd-numbered year.

30 Vacancies for appointed trustees shall be filled for the
31 unexpired term in the same manner as original appointments.
32 If a vacancy in membership occurs at a time when the Senate
33 is not in session, the Governor shall make temporary
34 appointments until the next meeting of the Senate, when he

1 shall appoint persons to fill such memberships for the
2 remainder of their respective terms. If the Senate is not in
3 session when appointments for a full term are made,
4 appointments shall be made as in the case of vacancies.

5 No action of the board shall be invalidated by reason of
6 any vacancies on the board, or by reason of any failure to
7 select student trustees.

8 (Source: P.A. 90-630, eff. 7-24-98; 91-778, eff. 1-1-01;
9 91-798, eff. 7-9-00; revised 6-29-00.)

10 Section 50.2. The Southern Illinois University
11 Management Act is amended by changing Sections 2 and 5 as
12 follows:

13 (110 ILCS 520/2) (from Ch. 144, par. 652)

14 Sec. 2. The Board shall consist of 7 members appointed by
15 the Governor, by and with the advice and consent of the
16 Senate, the Superintendent of Public Instruction, or his
17 chief assistant for liaison with higher education when
18 designated to serve in his place, ex-officio, and one voting
19 student member designated by the Governor from one campus of
20 the University and one nonvoting student member from the
21 campus of the University not represented by the voting
22 student member. The Governor shall designate one of the
23 student members serving on the Board to serve as the voting
24 student member. Each student member shall be chosen by the
25 respective campuses of Southern Illinois University at
26 Carbondale and Edwardsville. The method of choosing these
27 student members shall be by campus-wide student election, and
28 any student designated by the Governor to be a voting student
29 member shall be one of the students chosen by this method.
30 The student members shall serve terms of one year beginning
31 on July 1 of each year, except that the student members
32 initially selected shall serve a term beginning on the date

1 of such selection and expiring on the next succeeding June
2 30. To be eligible for selection as a student member and to
3 be eligible to remain as a voting or nonvoting student member
4 of the Board, a student member must be a resident of this
5 State, must have and maintain a grade point average that is
6 equivalent to at least 2.5 on a 4.0 scale, and must be a full
7 time student enrolled at all times during his or her term of
8 office except for that part of the term which follows the
9 completion of the last full regular semester of an academic
10 year and precedes the first full regular semester of the
11 succeeding academic year at the university (sometimes
12 commonly referred to as the summer session or summer school).
13 If a voting or nonvoting student member serving on the Board
14 fails to continue to meet or maintain the residency, minimum
15 grade point average, or enrollment requirement established by
16 this Section, his or her membership on the Board shall be
17 deemed to have terminated by operation of law. No more than 4
18 of the members appointed by the Governor shall be affiliated
19 with the same political party. Each member appointed by the
20 Governor must be a resident of this State. A failure to meet
21 or maintain this residency requirement constitutes a
22 resignation from and creates a vacancy in the Board. Upon
23 the expiration of the terms of members appointed by the
24 Governor, their respective successors shall be appointed for
25 terms of 6 years from the third Monday in January of each
26 odd-numbered year and until their respective successors are
27 appointed for like terms. If the Senate is not in session
28 appointments shall be made as in the case of vacancies.
29 (Source: P.A. 90-630, eff. 7-24-98; 91-778, eff. 1-1-01;
30 91-798, eff. 7-9-00; revised 6-29-00.)

31 (110 ILCS 520/5) (from Ch. 144, par. 655)

32 Sec. 5. Members of the Board shall elect annually by
33 secret ballot from their own number a chairman who shall

1 preside over meetings of the Board and a secretary.

2 Meetings of the Board shall be held at least once each
3 quarter on a campus of Southern Illinois University. At all
4 regular meetings of the Board, a majority of its voting
5 members shall constitute a quorum. The student members shall
6 have all of the privileges of membership, including the right
7 to make and second motions and to attend executive sessions,
8 other than the right to vote, except that the student member
9 designated by the Governor as the voting student member shall
10 have the right to vote on all Board matters except those
11 involving faculty tenure, faculty promotion or any issue on
12 which the student member has a direct conflict of interest.
13 A student member who is not entitled to vote on a measure at
14 a meeting of the Board or any of its committees shall not be
15 considered a member for the purpose of determining whether a
16 quorum is present at the time that measure is voted upon. No
17 action of the Board shall be invalidated by reason of any
18 vacancies on the Board, or by reason of any failure to select
19 a student member.

20 Special meetings of the Board may be called by the
21 chairman of the Board or by any 3 members of the Board.

22 At each regular and special meeting that is open to the
23 public, members of the public and employees of the University
24 shall be afforded time, subject to reasonable constraints, to
25 make comments to or ask questions of the Board.

26 (Source: P.A. 90-630, eff. 7-24-98; 91-715, eff. 1-1-01;
27 91-778, eff. 1-1-01; revised 6-23-00.)

28 Section 50.3. The Chicago State University Law is
29 amended by changing Sections 5-15 and 5-25 as follows:

30 (110 ILCS 660/5-15)

31 Sec. 5-15. Membership; terms; vacancies. The Board
32 shall consist of 7 voting members appointed by the Governor,

1 by and with the advice and consent of the Senate, and one
2 voting member who is a student at Chicago State University.
3 The student member shall be chosen by a campus-wide student
4 election. The student member shall serve a term of one year
5 beginning on July 1 of each year, except that the student
6 member initially selected shall serve a term beginning on the
7 date of his or her selection and expiring on the next
8 succeeding June 30. To be eligible for selection as a
9 student member and to be eligible to remain as a student
10 member of the Board, the student member must be a resident of
11 this State, must have and maintain a grade point average that
12 is equivalent to at least 2.5 on a 4.0 scale, and must be a
13 full time student enrolled at all times during his or her
14 term of office except for that part of the term which follows
15 the completion of the last full regular semester of an
16 academic year and precedes the first full regular semester of
17 the succeeding academic year at the university (sometimes
18 commonly referred to as the summer session or summer school).
19 If a student member serving on the Board fails to continue to
20 meet or maintain the residency, minimum grade point average,
21 or enrollment requirement established by this Section, his or
22 her membership on the Board shall be deemed to have
23 terminated by operation of law. Of the members first
24 appointed by the Governor, 4 shall be appointed for terms to
25 expire on the third Monday in January, 1999, and 3 shall be
26 appointed for terms to expire on the third Monday in January,
27 2001. If the Senate is not in session on the effective date
28 of this Article, or if a vacancy in an appointive membership
29 occurs at a time when the Senate is not in session, the
30 Governor shall make temporary appointments until the next
31 meeting of the Senate when he shall nominate persons to fill
32 such memberships for the remainder of their respective terms.
33 No more than 4 of the members appointed by the Governor shall
34 be affiliated with the same political party. Each member

1 appointed by the Governor must be a resident of this State.
2 A failure to meet or maintain this residency requirement
3 constitutes a resignation from and creates a vacancy in the
4 Board. Upon the expiration of the terms of members appointed
5 by the Governor, their respective successors shall be
6 appointed for terms of 6 years from the third Monday in
7 January of each odd-numbered year. Any members appointed to
8 the Board shall continue to serve in such capacity until
9 their successors are appointed and qualified.

10 (Source: P.A. 90-630, eff. 7-24-98; 90-814, eff. 2-4-99;
11 91-778, eff. 1-1-01; 91-798, eff. 7-9-00; revised 6-29-00.)

12 (110 ILCS 660/5-25)

13 Sec. 5-25. Officers; meetings. Members of the Board
14 shall elect annually by secret ballot from their own number a
15 chairman who shall preside over meetings of the Board and a
16 secretary.

17 Meetings of the Board shall be held at least once each
18 quarter on the campus of Chicago State University at Chicago,
19 Illinois. At all regular meetings of the Board, a majority
20 of its members shall constitute a quorum. The student member
21 shall have all of the privileges of membership, including the
22 right to make and second motions, to attend executive
23 sessions, and to vote on all Board matters except those
24 involving faculty tenure, faculty promotion or any issue on
25 which the student member has a direct conflict of interest.
26 Unless the student member is entitled to vote on a measure at
27 a meeting of the Board or any of its committees, he or she
28 shall not be considered a member for the purpose of
29 determining whether a quorum is present at the time that
30 measure is voted upon. No action of the Board shall be
31 invalidated by reason of any vacancies on the Board or by
32 reason of any failure to select a student member.

33 Special meetings of the Board may be called by the

1 chairman of the Board or by any 3 members of the Board.

2 At each regular and special meeting that is open to the
3 public, members of the public and employees of the University
4 shall be afforded time, subject to reasonable constraints, to
5 make comments to or ask questions of the Board.

6 (Source: P.A. 90-630, eff. 7-24-98; 91-715, eff. 1-1-01;
7 91-778, eff. 1-1-01; revised 6-23-00.)

8 Section 50.4 The Eastern Illinois University Law is
9 amended by changing Sections 10-15 and 10-25 as follows:

10 (110 ILCS 665/10-15)

11 Sec. 10-15. Membership; terms; vacancies. The Board
12 shall consist of 7 voting members appointed by the Governor,
13 by and with the advice and consent of the Senate, and one
14 voting member who is a student at Eastern Illinois
15 University. The student member shall be chosen by a
16 campus-wide student election. The student member shall serve
17 a term of one year beginning on July 1 of each year, except
18 that the student member initially selected shall serve a term
19 beginning on the date of his or her selection and expiring on
20 the next succeeding June 30. To be eligible for selection as
21 a student member and to be eligible to remain as a student
22 member of the Board, the student member must be a resident of
23 this State, must have and maintain a grade point average that
24 is equivalent to at least 2.5 on a 4.0 scale, and must be a
25 full time student enrolled at all times during his or her
26 term of office except for that part of the term which follows
27 the completion of the last full regular semester of an
28 academic year and precedes the first full regular semester of
29 the succeeding academic year at the university (sometimes
30 commonly referred to as the summer session or summer school).
31 If a student member serving on the Board fails to continue to
32 meet or maintain the residency, minimum grade point average,

1 or enrollment requirement established by this Section, his or
2 her membership on the Board shall be deemed to have
3 terminated by operation of law. Of the members first
4 appointed by the Governor, 4 shall be appointed for terms to
5 expire on the third Monday in January, 1999, and 3 shall be
6 appointed for terms to expire on the third Monday in January,
7 2001. If the Senate is not in session on the effective date
8 of this Article, or if a vacancy in an appointive membership
9 occurs at a time when the Senate is not in session, the
10 Governor shall make temporary appointments until the next
11 meeting of the Senate when he shall nominate persons to fill
12 such memberships for the remainder of their respective terms.
13 No more than 4 of the members appointed by the Governor shall
14 be affiliated with the same political party. Each member
15 appointed by the Governor must be a resident of this State.
16 A failure to meet or maintain this residency requirement
17 constitutes a resignation from and creates a vacancy in the
18 Board. Upon the expiration of the terms of members appointed
19 by the Governor, their respective successors shall be
20 appointed for terms of 6 years from the third Monday in
21 January of each odd-numbered year. Any members appointed to
22 the Board shall continue to serve in such capacity until
23 their successors are appointed and qualified.

24 (Source: P.A. 90-630, eff. 7-24-98; 90-814, eff. 2-4-99;
25 91-778, eff. 1-1-01; 91-798, eff. 7-9-00; revised 6-29-00.)

26 (110 ILCS 665/10-25)

27 Sec. 10-25. Officers; meetings. Members of the Board
28 shall elect annually by secret ballot from their own number a
29 chairman who shall preside over meetings of the Board and a
30 secretary.

31 Meetings of the Board shall be held at least once each
32 quarter on the campus of Eastern Illinois University at
33 Charleston, Illinois. At all regular meetings of the Board,

1 a majority of its members shall constitute a quorum. The
2 student member shall have all of the privileges of
3 membership, including the right to make and second motions,
4 to attend executive sessions, and to vote on all Board
5 matters except those involving faculty tenure, faculty
6 promotion or any issue on which the student member has a
7 direct conflict of interest. Unless the student member is
8 entitled to vote on a measure at a meeting of the Board or
9 any of its committees, he or she shall not be considered a
10 member for the purpose of determining whether a quorum is
11 present at the time that measure is voted upon. No action of
12 the Board shall be invalidated by reason of any vacancies on
13 the Board or by reason of any failure to select a student
14 member.

15 Special meetings of the Board may be called by the
16 chairman of the Board or by any 3 members of the Board.

17 At each regular and special meeting that is open to the
18 public, members of the public and employees of the University
19 shall be afforded time, subject to reasonable constraints, to
20 make comments to or ask questions of the Board.

21 (Source: P.A. 90-630, eff. 7-24-98; 91-715, eff. 1-1-01;
22 91-778, eff. 1-1-01; revised 6-23-00.)

23 Section 50.5. The Governors State University Law is
24 amended by changing Sections 15-15 and 15-25 as follows:

25 (110 ILCS 670/15-15)

26 Sec. 15-15. Membership; terms; vacancies. The Board
27 shall consist of 7 voting members appointed by the Governor,
28 by and with the advice and consent of the Senate, and one
29 voting member who is a student at Governors State University.
30 The student member shall be chosen by a campus-wide student
31 election. The student member shall serve a term of one year
32 beginning on July 1 of each year, except that the student

1 member initially selected shall serve a term beginning on the
2 date of his or her selection and expiring on the next
3 succeeding June 30. To be eligible for selection as a
4 student member and to be eligible to remain as a student
5 member of the Board, the student member must be a resident of
6 this State, must have and maintain a grade point average that
7 is equivalent to at least 2.5 on a 4.0 scale, and must be a
8 student enrolled at all times during his or her term of
9 office except for that part of the term which follows the
10 completion of the last full regular semester of an academic
11 year and precedes the first full regular semester of the
12 succeeding academic year at the university (sometimes
13 commonly referred to as the spring/summer semester). If a
14 student member serving on the Board fails to continue to meet
15 or maintain the residency, minimum grade point average, or
16 enrollment requirement established by this Section, his or
17 her membership on the Board shall be deemed to have
18 terminated by operation of law. Of the members first
19 appointed by the Governor, 4 shall be appointed for terms to
20 expire on the third Monday in January, 1999, and 3 shall be
21 appointed for terms to expire on the third Monday in January,
22 2001. If the Senate is not in session on the effective date
23 of this Article, or if a vacancy in an appointive membership
24 occurs at a time when the Senate is not in session, the
25 Governor shall make temporary appointments until the next
26 meeting of the Senate when he shall nominate persons to fill
27 such memberships for the remainder of their respective terms.
28 No more than 4 of the members appointed by the Governor shall
29 be affiliated with the same political party. Each member
30 appointed by the Governor must be a resident of this State.
31 A failure to meet or maintain this residency requirement
32 constitutes a resignation from and creates a vacancy in the
33 Board. Upon the expiration of the terms of members appointed
34 by the Governor, their respective successors shall be

1 appointed for terms of 6 years from the third Monday in
2 January of each odd-numbered year. Any members appointed to
3 the Board shall continue to serve in such capacity until
4 their successors are appointed and qualified.

5 (Source: P.A. 90-630, eff. 7-24-98; 90-814, eff. 2-4-99;
6 91-778, eff. 1-1-01; 91-798, eff. 7-9-00; revised 6-29-00.)

7 (110 ILCS 670/15-25)

8 Sec. 15-25. Officers; meetings. Members of the Board
9 shall elect annually by secret ballot from their own number a
10 chairman who shall preside over meetings of the Board and a
11 secretary.

12 Meetings of the Board shall be held at least once each
13 quarter on the campus of Governors State University at
14 University Park, Illinois. At all regular meetings of the
15 Board, a majority of its members shall constitute a quorum.
16 The student member shall have all of the privileges of
17 membership, including the right to make and second motions,
18 to attend executive sessions, and to vote on all Board
19 matters except those involving faculty tenure, faculty
20 promotion or any issue on which the student member has a
21 direct conflict of interest. Unless the student member is
22 entitled to vote on a measure at a meeting of the Board or
23 any of its committees, he or she shall not be considered a
24 member for the purpose of determining whether a quorum is
25 present at the time that measure is voted upon. No action of
26 the Board shall be invalidated by reason of any vacancies on
27 the Board or by reason of any failure to select a student
28 member.

29 Special meetings of the Board may be called by the
30 chairman of the Board or by any 3 members of the Board.

31 At each regular and special meeting that is open to the
32 public, members of the public and employees of the University
33 shall be afforded time, subject to reasonable constraints, to

1 make comments to or ask questions of the Board.

2 (Source: P.A. 89-4, eff. 1-1-96; 89-552, eff. 7-26-96;
3 90-630, eff. 7-24-98; 91-715, eff. 1-1-01; 91-778, eff.
4 1-1-01; revised 6-23-00.)

5 Section 50.6. The Illinois State University Law is
6 amended by changing Sections 20-15 and 20-25 as follows:

7 (110 ILCS 675/20-15)

8 Sec. 20-15. Membership; terms; vacancies. The Board
9 shall consist of 7 voting members appointed by the Governor,
10 by and with the advice and consent of the Senate, and one
11 voting member who is a student at Illinois State University.
12 The student member shall be chosen by a campus-wide student
13 election. The student member shall serve a term of one year
14 beginning on July 1 of each year, except that the student
15 member initially selected shall serve a term beginning on the
16 date of his or her selection and expiring on the next
17 succeeding June 30. To be eligible to remain as a student
18 member of the Board, the student member must be a resident of
19 this State, must have and maintain a grade point average that
20 is equivalent to at least 2.5 on a 4.0 scale, and must be a
21 full time student enrolled at all times during his or her
22 term of office except for that part of the term which follows
23 the completion of the last full regular semester of an
24 academic year and precedes the first full regular semester of
25 the succeeding academic year at the university (sometimes
26 commonly referred to as the summer session or summer school).
27 If a student member serving on the Board fails to continue to
28 meet or maintain the residency, minimum grade point average,
29 or enrollment requirement established by this Section, his or
30 her membership on the Board shall be deemed to have
31 terminated by operation of law. Of the members first
32 appointed by the Governor, 4 shall be appointed for terms to

1 expire on the third Monday in January, 1999, and 3 shall be
2 appointed for terms to expire on the third Monday in January,
3 2001. If the Senate is not in session on the effective date
4 of this Article, or if a vacancy in an appointive membership
5 occurs at a time when the Senate is not in session, the
6 Governor shall make temporary appointments until the next
7 meeting of the Senate when he shall nominate persons to fill
8 such memberships for the remainder of their respective terms.
9 No more than 4 of the members appointed by the Governor shall
10 be affiliated with the same political party. Each member
11 appointed by the Governor must be a resident of this State.
12 A failure to meet or maintain this residency requirement
13 constitutes a resignation from and creates a vacancy in the
14 Board. Upon the expiration of the terms of members appointed
15 by the Governor, their respective successors shall be
16 appointed for terms of 6 years from the third Monday in
17 January of each odd-numbered year. Any members appointed to
18 the Board shall continue to serve in such capacity until
19 their successors are appointed and qualified.
20 (Source: P.A. 90-630, eff. 7-24-98; 90-814, eff. 2-4-99;
21 91-778, eff. 1-1-01; 91-798, eff. 7-9-00; revised 6-29-00.)

22 (110 ILCS 675/20-25)

23 Sec. 20-25. Officers; meetings. Members of the Board
24 shall elect annually by secret ballot from their own number a
25 chairman who shall preside over meetings of the Board and a
26 secretary.

27 Meetings of the Board shall be held at least once each
28 quarter on the campus of Illinois State University at Normal,
29 Illinois. At all regular meetings of the Board, a majority
30 of its members shall constitute a quorum. The student member
31 shall have all of the privileges of membership, including the
32 right to make and second motions, to attend executive
33 sessions, and to vote on all Board matters except those

1 involving faculty tenure, faculty promotion or any issue on
2 which the student member has a direct conflict of interest.
3 Unless the student member is entitled to vote on a measure at
4 a meeting of the Board or any of its committees, he or she
5 shall not be considered a member for the purpose of
6 determining whether a quorum is present at the time that
7 measure is voted upon. No action of the Board shall be
8 invalidated by reason of any vacancies on the Board or by
9 reason of any failure to select a student member.

10 Special meetings of the Board may be called by the
11 chairman of the Board or by any 3 members of the Board.

12 At each regular and special meeting that is open to the
13 public, members of the public and employees of the University
14 shall be afforded time, subject to reasonable constraints, to
15 make comments to or ask questions of the Board.

16 (Source: P.A. 90-630, eff. 7-24-98; 91-715, eff. 1-1-01;
17 91-778, eff. 1-1-01; revised 6-23-00.)

18 Section 50.7. The Northeastern Illinois University Law
19 is amended by changing Sections 25-15 and 25-25 as follows:

20 (110 ILCS 680/25-15)

21 Sec. 25-15. Membership; terms; vacancies. The Board
22 shall consist of 9 voting members who are residents of this
23 State and are appointed by the Governor, by and with the
24 advice and consent of the Senate, and one voting member who
25 is a student at Northeastern Illinois University. The
26 student member shall be elected by a campus-wide election of
27 all students of the University. The student member shall
28 serve a term of one year beginning on July 1 of each year,
29 except that the student member initially selected under this
30 amendatory Act of the 91st General Assembly shall serve a
31 term beginning on the date of his or her selection and
32 expiring on the next succeeding June 30. To be eligible to

1 remain as a student member of the Board, the student member
2 must be a resident of this State, must have and maintain a
3 grade point average that is equivalent to at least 2.5 on a
4 4.0 scale, and must be a full time undergraduate student
5 enrolled at all times during his or her term of office except
6 for that part of the term which follows the completion of the
7 last full regular semester of an academic year and precedes
8 the first full regular semester of the succeeding academic
9 year at the university (sometimes commonly referred to as the
10 summer session or summer school). If a student member
11 serving on the Board fails to continue to meet or maintain
12 the residency, minimum grade point average, or enrollment
13 requirement established by this Section, his or her
14 membership on the Board shall be deemed to have terminated by
15 operation of law. If any member of the Board appointed by
16 the Governor fails to continue to meet or maintain the
17 residency requirement established by this Section, he or she
18 shall resign membership on the Board within 30 days
19 thereafter and, failing submission of this resignation, his
20 or her membership on the Board shall be deemed to have
21 terminated by operation of law. Of the members first
22 appointed by the Governor, 4 shall be appointed for terms to
23 expire on the third Monday in January, 1999 and until their
24 successors are appointed and qualified, and 3 shall be
25 appointed for terms to expire on the third Monday in January,
26 2001 and until their successors are appointed and qualified.
27 The 2 additional members appointed by the Governor, by and
28 with the advice and consent of the Senate, under this
29 amendatory Act of the 91st General Assembly, shall not be
30 from the same political party and shall be appointed for
31 terms to expire on the third Monday in January, 2003 and
32 until their successors are appointed and qualified. Any
33 vacancy in membership existing on January 1, 1999 shall be
34 filled by appointment by the Governor, with the advice and

1 consent of the Senate, for a term to expire on the third
2 Monday in January, 2003. If the Senate is not in session on
3 the effective date of this Article, or if a vacancy in an
4 appointive membership occurs at a time when the Senate is not
5 in session, the Governor shall make temporary appointments to
6 fill the vacancy. Members with these temporary appointments
7 shall be deemed qualified to serve upon appointment and shall
8 continue to serve until the next meeting of the Senate when
9 the Governor shall appoint persons to fill such memberships,
10 by and with the advice and consent of the Senate, for the
11 remainder of their respective terms. No more than 5 of the
12 members appointed by the Governor shall be affiliated with
13 the same political party. Each member appointed by the
14 Governor must be a resident of this State. A failure to meet
15 or maintain this residency requirement constitutes a
16 resignation from and creates a vacancy in the Board. Upon
17 the expiration of the terms of members appointed by the
18 Governor for other than temporary appointments, their
19 respective successors shall be appointed, by and with the
20 advice and consent of the Senate, for terms of 6 years from
21 the third Monday in January of each odd-numbered year. Any
22 members appointed to the Board shall continue to serve in
23 such capacity until their successors are appointed and
24 qualified.

25 (Source: P.A. 90-630, eff. 7-24-98; 90-814, eff. 2-4-99;
26 91-565, eff. 8-14-99; 91-778, eff. 1-1-01; 91-798, eff.
27 7-9-00; revised 6-29-00.)

28 (110 ILCS 680/25-25)

29 Sec. 25-25. Officers; meetings. Members of the Board
30 appointed by the Governor shall elect by secret ballot from
31 their own number a chairperson, who shall serve for a period
32 of 2 years from his or her election and who shall preside
33 over meetings of the Board, a secretary, and other officers

1 that the Board deems necessary. The secretary and other
2 officers shall also serve for a period of 2 years from their
3 election.

4 Meetings of the Board shall be held at least once each
5 quarter on the campus of Northeastern Illinois University at
6 Chicago, Illinois. At all regular meetings of the Board, a
7 majority of its members shall constitute a quorum. The
8 student member shall have all of the privileges of
9 membership, including the right to make and second motions,
10 to attend executive sessions, and to vote on all Board
11 matters except those involving faculty tenure, faculty
12 promotion or any issue on which the student member has a
13 direct conflict of interest. No action of the Board shall be
14 invalidated by reason of any vacancies on the Board or by
15 reason of any failure to select a student member.

16 Special meetings of the Board may be called by the
17 chairperson of the Board or by any 4 members of the Board.

18 At each regular and special meeting that is open to the
19 public, members of the public and employees of the University
20 shall be afforded time, subject to reasonable constraints, to
21 make comments to or ask questions of the Board.

22 (Source: P.A. 90-630, eff. 7-24-98; 91-565, eff. 8-14-99;
23 91-715, eff. 1-1-01; 91-778, eff. 1-1-01; revised 6-23-00.)

24 Section 50.8. The Northern Illinois University Law is
25 amended by changing Sections 30-15 and 30-25 as follows:

26 (110 ILCS 685/30-15)

27 Sec. 30-15. Membership; terms; vacancies. The Board
28 shall consist of 7 voting members appointed by the Governor,
29 by and with the advice and consent of the Senate, and one
30 voting member who is a student at Northern Illinois
31 University. The student member shall be chosen by a
32 campus-wide student election. The student member shall serve

1 a term of one year beginning on July 1 of each year, except
2 that the student member initially selected shall serve a term
3 beginning on the date of his or her selection and expiring on
4 the next succeeding June 30. To be eligible to remain as a
5 student member of the Board, the student member must be a
6 resident of this State, must have and maintain a grade point
7 average that is equivalent to at least 2.5 on a 4.0 scale,
8 and must be a full time student enrolled at all times during
9 his or her term of office except for that part of the term
10 which follows the completion of the last full regular
11 semester of an academic year and precedes the first full
12 regular semester of the succeeding academic year at the
13 university (sometimes commonly referred to as the summer
14 session or summer school). If a student member serving on
15 the Board fails to continue to meet or maintain the
16 residency, minimum grade point average, or enrollment
17 requirement established by this Section, his or her
18 membership on the Board shall be deemed to have terminated by
19 operation of law. Of the members first appointed by the
20 Governor, 4 shall be appointed for terms to expire on the
21 third Monday in January, 1999, and 3 shall be appointed for
22 terms to expire on the third Monday in January, 2001. If the
23 Senate is not in session on the effective date of this
24 Article, or if a vacancy in an appointive membership occurs
25 at a time when the Senate is not in session, the Governor
26 shall make temporary appointments until the next meeting of
27 the Senate when he shall nominate persons to fill such
28 memberships for the remainder of their respective terms. No
29 more than 4 of the members appointed by the Governor shall be
30 affiliated with the same political party. Each member
31 appointed by the Governor must be a resident of this State.
32 A failure to meet or maintain this residency requirement
33 constitutes a resignation from and creates a vacancy in the
34 Board. Upon the expiration of the terms of members appointed

1 by the Governor, their respective successors shall be
2 appointed for terms of 6 years from the third Monday in
3 January of each odd-numbered year. Any members appointed to
4 the Board shall continue to serve in such capacity until
5 their successors are appointed and qualified.

6 (Source: P.A. 90-630, eff. 7-24-98; 90-814, eff. 2-4-99;
7 91-778, eff. 1-1-01; 91-798, eff. 7-9-00; revised 6-29-00.)

8 (110 ILCS 685/30-25)

9 Sec. 30-25. Officers; meetings. Members of the Board
10 shall elect annually by secret ballot from their own number a
11 chairman who shall preside over meetings of the Board and a
12 secretary.

13 Meetings of the Board shall be held at least once each
14 quarter on the campus of Northern Illinois University at
15 Dekalb, Illinois or on any other University-owned property
16 located in the State. At all regular meetings of the Board,
17 a majority of its members shall constitute a quorum. The
18 student member shall have all of the privileges of
19 membership, including the right to make and second motions,
20 to attend executive sessions, and to vote on all Board
21 matters except those involving faculty tenure, faculty
22 promotion or any issue on which the student member has a
23 direct conflict of interest. Unless the student member is
24 entitled to vote on a measure at a meeting of the Board or
25 any of its committees, he or she shall not be considered a
26 member for the purpose of determining whether a quorum is
27 present at the time that measure is voted upon. No action of
28 the Board shall be invalidated by reason of any vacancies on
29 the Board or by reason of any failure to select a student
30 member.

31 Special meetings of the Board may be called by the
32 chairman of the Board or by any 3 members of the Board.

33 At each regular and special meeting that is open to the

1 public, members of the public and employees of the University
2 shall be afforded time, subject to reasonable constraints, to
3 make comments to or ask questions of the Board.

4 (Source: P.A. 90-630, eff. 7-24-98; 91-715, eff. 1-1-01;
5 91-778, eff. 1-1-01; revised 6-23-00.)

6 Section 50.9. The Western Illinois University Law is
7 amended by changing Sections 35-15 and 35-25 as follows:

8 (110 ILCS 690/35-15)

9 Sec. 35-15. Membership; terms; vacancies. The Board
10 shall consist of 7 voting members appointed by the Governor,
11 by and with the advice and consent of the Senate, and one
12 voting member who is a student at Western Illinois
13 University. The student member shall be chosen by a
14 campus-wide student election. The student member shall serve
15 a term of one year beginning on July 1 of each year, except
16 that the student member initially selected shall serve a term
17 beginning on the date of his or her selection and expiring on
18 the next succeeding June 30. To be eligible to remain as a
19 student member of the Board, the student member must be a
20 resident of this State, must have and maintain a grade point
21 average that is equivalent to at least 2.5 on a 4.0 scale,
22 and must be a full time student enrolled at all times during
23 his or her term of office except for that part of the term
24 which follows the completion of the last full regular
25 semester of an academic year and precedes the first full
26 regular semester of the succeeding academic year at the
27 university (sometimes commonly referred to as the summer
28 session or summer school). If a student member serving on
29 the Board fails to continue to meet or maintain the
30 residency, minimum grade point average, or enrollment
31 requirement established by this Section, his or her
32 membership on the Board shall be deemed to have terminated by

1 operation of law. Of the members first appointed by the
2 Governor, 4 shall be appointed for terms to expire on the
3 third Monday in January, 1999, and 3 shall be appointed for
4 terms to expire on the third Monday in January, 2001. If the
5 Senate is not in session on the effective date of this
6 Article, or if a vacancy in an appointive membership occurs
7 at a time when the Senate is not in session, the Governor
8 shall make temporary appointments until the next meeting of
9 the Senate when he shall nominate persons to fill such
10 memberships for the remainder of their respective terms. No
11 more than 4 of the members appointed by the Governor shall be
12 affiliated with the same political party. Each member
13 appointed by the Governor must be a resident of this State.
14 A failure to meet or maintain this residency requirement
15 constitutes a resignation from and creates a vacancy in the
16 Board. Upon the expiration of the terms of members appointed
17 by the Governor, their respective successors shall be
18 appointed for terms of 6 years from the third Monday in
19 January of each odd-numbered year. Any members appointed to
20 the Board shall continue to serve in such capacity until
21 their successors are appointed and qualified.

22 (Source: P.A. 90-630, eff. 7-24-98; 90-814, eff. 2-4-99;
23 91-778, eff. 1-1-01; 91-798, eff. 7-9-00; revised 6-29-00.)

24 (110 ILCS 690/35-25)

25 Sec. 35-25. Officers; meetings. Members of the Board
26 shall elect annually by secret ballot from their own number a
27 chairman who shall preside over meetings of the Board and a
28 secretary.

29 Meetings of the Board shall be held at least once each
30 quarter on the campus of Western Illinois University at
31 Macomb, Illinois. At all regular meetings of the Board, a
32 majority of its members shall constitute a quorum. The
33 student member shall have all of the privileges of

1 membership, including the right to make and second motions,
2 to attend executive sessions, and to vote on all Board
3 matters except those involving faculty tenure, faculty
4 promotion or any issue on which the student member has a
5 direct conflict of interest. Unless the student member is
6 entitled to vote on a measure at a meeting of the Board or
7 any of its committees, he or she shall not be considered a
8 member for the purpose of determining whether a quorum is
9 present at the time that measure is voted upon. No action of
10 the Board shall be invalidated by reason of any vacancies on
11 the Board or by reason of any failure to select a student
12 member.

13 Special meetings of the Board may be called by the
14 chairman of the Board or by any 3 members of the Board.

15 At each regular and special meeting that is open to the
16 public, members of the public and employees of the University
17 shall be afforded time, subject to reasonable constraints, to
18 make comments to or ask questions of the Board.

19 (Source: P.A. 90-630, eff. 7-24-98; 91-715, eff. 1-1-01;
20 91-778, eff. 1-1-01; revised 6-23-00.)

21 Section 51. The Public Community College Act is amended
22 by setting forth and renumbering multiple versions of Section
23 2-16.04 as follows:

24 (110 ILCS 805/2-16.04)

25 Sec. 2-16.04. Video Conferencing User Fund. The Video
26 Conferencing User Fund is created as a special fund in the
27 State treasury. The State Board may charge a fee to other
28 State agencies and non-State entities for the use of the
29 State Board's video conferencing facilities. This fee shall
30 be deposited into the Video Conferencing User Fund. All
31 money in the Video Conferencing User Fund shall be used,
32 subject to appropriation, by the State Board to pay for

1 telecommunications charges as billed by the Department of
2 Central Management Services and upgrades to the system as
3 needed.

4 (Source: P.A. 91-44, eff. 7-1-99.)

5 (110 ILCS 805/2-16.05)

6 Sec. 2-16.05. ~~2-16.04.~~ The Academic Improvement Trust
7 Fund for Community College Foundations.

8 (a) The Academic Improvement Trust Fund for Community
9 College Foundations is created in the State treasury. All
10 moneys transferred, credited, deposited, or otherwise paid to
11 the Fund as provided in this Section shall be promptly
12 invested by the State Treasurer in accordance with law, and
13 all interest and other earnings accruing or received thereon
14 shall be credited and paid to the Fund. No moneys, interest,
15 or earnings transferred, credited, deposited, or otherwise
16 paid to the Academic Improvement Trust Fund for Community
17 College Foundations shall be transferred or allocated by the
18 Comptroller or Treasurer to any other fund, nor shall the
19 Governor authorize any such transfer or allocation, nor shall
20 any moneys, interest, or earnings transferred, credited,
21 deposited, or otherwise paid to the Fund be used, temporarily
22 or otherwise, for interfund borrowing, or be otherwise used
23 or appropriated, except to encourage private support in
24 enhancing community college foundations by providing
25 community college foundations with the opportunity to receive
26 and match challenge grants as provided in this Section.

27 (b) On the first day of fiscal year 2000 and each fiscal
28 year thereafter, or as soon thereafter as may be practicable,
29 the Comptroller shall order the transfer and the Treasurer
30 shall transfer from the General Revenue Fund to the Academic
31 Improvement Trust Fund for Community College Foundations the
32 amount of the fiscal year appropriation made to the State
33 Board for making challenge grants to community college

1 foundations as provided in this Section.

2 (c) For each fiscal year in which an appropriation and
3 transfer are made as provided in subsection (b), moneys
4 sufficient to provide each community college foundation with
5 the opportunity to match at least one \$25,000 challenge grant
6 shall be reserved from moneys in the Academic Improvement
7 Trust Fund for Community College Foundations, and the balance
8 of the moneys in the Fund shall be available for matching by
9 any community college foundation. Moneys in the Academic
10 Improvement Trust Fund for Community College Foundations that
11 remain unmatched by contribution or pledge on April 1 of the
12 fiscal year in which an appropriation and transfer are made
13 as provided in subsection (b) shall also be available for
14 matching by any community college foundation, along with any
15 interest or earnings accruing to the unmatched portion of the
16 Fund. If for any fiscal year in which an appropriation and
17 transfer are made as provided in subsection (b) there are not
18 sufficient moneys which may be reserved in the Academic
19 Improvement Trust Fund for Community College Foundations to
20 provide each community college foundation with the
21 opportunity to match at least one \$25,000 challenge grant,
22 the amount of the challenge grant that each community college
23 foundation shall have the opportunity to match for the fiscal
24 year shall be reduced from \$25,000 to an amount equal to the
25 result obtained when the total of all moneys, interest, and
26 earnings in the Fund immediately following the appropriation
27 and transfer made for the fiscal year is divided by the
28 number of community college foundations then existing in this
29 State. The State Board shall promulgate rules prescribing
30 the form and content of applications made by community
31 college foundations for challenge grants under this Section.
32 These rules shall provide all community college foundations
33 with an opportunity to apply for challenge grants to be
34 awarded from any moneys in the Academic Improvement Trust

1 Fund for Community College Foundations in excess of the
2 moneys required to be reserved in the Fund for the purpose of
3 providing each community college foundation with the
4 opportunity to match at least one \$25,000 challenge grant;
5 and the opportunity to apply for challenge grants to be
6 awarded from the excess moneys shall be afforded to all
7 community college foundations prior to awarding any challenge
8 grants from the excess moneys. No community college
9 foundation shall receive more than \$100,000 in challenge
10 grants awarded from the excess moneys.

11 (d) Challenge grants shall be proportionately allocated
12 from the Academic Improvement Trust Fund for Community
13 College Foundations on the basis of matching each \$2 of State
14 funds with \$3 of local funds. The matching funds shall come
15 from contributions made after July 1, 1999, which are pledged
16 for the purpose of matching challenge grants. To be
17 eligible, a minimum of \$10,000 must be raised from private
18 sources, and the contributions must be in excess of the total
19 average annual cash contributions made to the foundation at
20 each community college district in the 3 fiscal years before
21 July 1, 1999.

22 (e) Funds sufficient to provide the match shall be paid,
23 subject to appropriation, from the Academic Improvement Trust
24 Fund for Community College Foundations to the community
25 college foundation in increments of \$5,000, after the initial
26 \$10,000 is matched and released, and upon certification to
27 the Comptroller by the State Board that a proportionate
28 amount has been received and deposited by the community
29 college foundation in its own trust fund. However, no
30 community college foundation may receive more than \$100,000,
31 above the original allocation, from the Academic Improvement
32 Trust Fund for Community College Foundations in any fiscal
33 year.

34 (f) The State Board shall certify, prepare, and submit

1 to the Comptroller vouchers setting forth the amount of each
2 challenge grant from time to time to be proportionately
3 allocated in accordance with this Section from the Academic
4 Improvement Trust Fund for Community College Foundations to
5 the community college foundation entitled to receive the
6 challenge grant, and the Comptroller shall cause his or her
7 warrants to be drawn for the respective amounts due, payable
8 from the Fund to the foundation.

9 (g) The board of each community college foundation shall
10 establish an academic improvement trust fund as a depository
11 for the private contributions and challenge grants allocated
12 to any such community college foundation from the Academic
13 Improvement Trust Fund for Community College Foundations.
14 Each community college foundation is responsible for the
15 maintenance, investment, and administration of its academic
16 improvement trust fund.

17 (h) The board of the community college foundation is
18 responsible for determining the uses for the proceeds of the
19 academic improvement trust fund established. Such uses may
20 include:

- 21 (1) scientific and technical equipment;
- 22 (2) professional development and training for
23 faculty; and
- 24 (3) student scholarships and other activities
25 appropriate to improving the quality of education at the
26 community college.

27 (i) The State Board may promulgate such additional rules
28 as are required to provide for the efficient operation and
29 administration of the challenge grant program established by
30 this Section.

31 (Source: P.A. 91-664, eff. 12-22-99; revised 1-12-00.)

32 Section 51.5. The Family Practice Residency Act is
33 amended by changing Section 4.10 as follows:

1 (110 ILCS 935/4.10) (from Ch. 144, par. 1454.10)

2 Sec. 4.10. To establish a program, and the criteria for
3 such program, for the repayment of the educational loans of
4 primary care physicians who agree to serve in Designated
5 Shortage Areas for a specified period of time, no less than 2
6 years. Payments under this program may be made for the
7 principal ~~principle~~, interest and related expenses of
8 government and commercial loans received by the individual
9 for tuition expenses, and all other reasonable educational
10 expenses incurred by the individual. The maximum annual
11 payment which may be made to an individual under this law is
12 \$20,000, or 25% ~~25-percent~~ of the total covered educational
13 indebtedness as provided in this Section, whichever is less.
14 Payments made under this provision shall be exempt from
15 Illinois State Income Tax.

16 (Source: P.A. 86-926; revised 9-22-00.)

17 Section 52.5. The Currency Exchange Act is amended by
18 changing Section 4.2 as follows:

19 (205 ILCS 405/4.2) (from Ch. 17, par. 4810)

20 Sec. 4.2. Whenever the ownership of any Currency
21 Exchange, theretofore licensed under the provisions of this
22 Act, shall be held or contained in any estate subject to the
23 control and supervision of any Administrator, Executor or
24 Guardian appointed, approved or qualified by any Court of the
25 State of Illinois, having jurisdiction so to do, such
26 Administrator, Executor or Guardian may, upon the entry of an
27 order by such Court granting leave to continue the operation
28 of such Currency Exchange, apply to the Director of Financial
29 Institutions for a license under the provisions of this Act.
30 When any such Administrator, Executor or Guardian shall apply
31 for a Currency Exchange License pursuant to the provisions of
32 this Section, and shall otherwise fully comply with all of

1 the provisions of this Act relating to the application for a
2 Currency Exchange license, the Director may issue to such
3 applicant a Currency Exchange license. Any Currency Exchange
4 license theretofore issued to a Currency Exchange, for which
5 an application for a license shall be sought under the
6 provisions of this Section, if not previously surrendered,
7 lapsed, or revoked, shall be surrendered, revoked or
8 otherwise terminated before a license shall be issued
9 pursuant to application made therefor under this Section.

10 (Source: P.A. 83-706; revised 7-21-00.)

11 Section 53. The Illinois Insurance Code is amended by
12 changing Sections 131.12a, 143.13, and 143.19 as follows:

13 (215 ILCS 5/131.12a) (from Ch. 73, par. 743.12a)

14 Sec. 131.12a. Acquisitions involving insurers not
15 otherwise covered.

16 (1) Definitions. The following definitions shall apply
17 for the purposes of this Section only:

18 (a) "Acquisition" means any agreement, arrangement or
19 activity the consummation of which results in a person
20 acquiring directly or indirectly the control of another
21 person or control of the insurance in force of another
22 person, and includes but is not limited to the acquisition of
23 voting securities, the acquisition of assets, the transaction
24 of bulk reinsurance and the act of merging or consolidating.

25 (b) An "involved insurer" includes an insurer which
26 either acquires or is acquired, is affiliated with an
27 acquirer or acquired or is the result of a merger.

28 (2) Scope.

29 (a) Except as exempted in paragraph (b) of this
30 subsection (2), this Section applies to any acquisition in
31 which there is a change in control of an insurer authorized
32 to do business in this State.

1 (b) This Section shall not apply to the following:

2 (i) an acquisition subject to approval or
3 disapproval by the Director pursuant to Section 131.8;

4 (ii) a purchase of securities solely for investment
5 purposes so long as such securities are not used by
6 voting or otherwise to cause or attempt to cause the
7 substantial lessening of competition in any insurance
8 market in this State. If a purchase of securities
9 results in a presumption of control under subsection (b)
10 of Section 131.1, it is not solely for investment
11 purposes unless the commissioner of the insurer's state
12 of domicile accepts a disclaimer of control or
13 affirmatively finds that control does not exist and such
14 disclaimer action or affirmative finding is communicated
15 by the domiciliary commissioner to the Director of this
16 State;

17 (iii) the acquisition of a person by another person
18 when both persons are neither directly nor through
19 affiliates primarily engaged in the business of
20 insurance, if pre-acquisition notification is filed with
21 the Director in accordance with subsection (3)(a) of this
22 Section, 30 days prior to the proposed effective date of
23 the acquisition. However, such pre-acquisition
24 notification is not required for exclusion from this
25 Section if the acquisition would otherwise be excluded
26 from this Section by any other subparagraph of subsection
27 (2)(b);

28 (iv) the acquisition of already affiliated persons;

29 (v) an acquisition if, as an immediate result of
30 the acquisition,

31 (A) in no market would the combined market
32 share of the involved insurers exceed 5% of the
33 total market,

34 (B) there would be no increase in any market

1 share, or

2 (C) in no market would the combined market
3 share of the involved insurers exceed 12% of the
4 total market, and the market share increase by more
5 than 2% of the total market.

6 For the purpose of this subparagraph (b)(v),
7 "market" means direct written insurance premium in this
8 State for a line of business as contained in the annual
9 statement required to be filed by insurers licensed to do
10 business in this State;

11 (vi) an acquisition for which a pre-acquisition
12 notification would be required pursuant to this Section
13 due solely to the resulting effect on the ocean marine
14 insurance line of business;

15 (vii) an acquisition of an insurer whose
16 domiciliary commissioner affirmatively finds that such
17 insurer is in failing condition; there is a lack of
18 feasible alternative to improving such condition; the
19 public benefits of improving such insurer's condition
20 through the acquisition exceed the public benefits that
21 would arise from not lessening competition; and such
22 findings are communicated by the domiciliary commissioner
23 to the Director of this State.

24 (3) Pre-acquisition Notification; Waiting Period. An
25 acquisition covered by subsection (2) may be subject to an
26 order pursuant to subsection (5) unless the acquiring person
27 files a pre-acquisition notification and the waiting period
28 has expired. The acquired person may file a pre-acquisition
29 notification. The Director shall give confidential treatment
30 to information submitted under this subsection in the same
31 manner as provided in Section 131.22 of this Article.

32 (a) The pre-acquisition notification shall be in such
33 form and contain such information as prescribed by the
34 Director, which shall conform substantially to the form of

1 notification adopted by the National Association of Insurance
2 Commissioners relating to those markets which, under
3 subsection (b)(v) of Section (2), cause the acquisition not
4 to be exempted from the provisions of this Section. The
5 Director may require such additional material and information
6 as he deems necessary to determine whether the proposed
7 acquisition, if consummated, would violate the competitive
8 standard of subsection (4). The required information may
9 include an opinion of an economist as to the competitive
10 impact of the acquisition in this State accompanied by a
11 summary of the education and experience of such person
12 indicating his or her ability to render an informed opinion.

13 (b) The waiting period required shall begin on the date
14 of the receipt by the Director of a pre-acquisition
15 notification and shall end on the earlier of the 30th day
16 after the date of such receipt, or termination of the waiting
17 period by the Director. Prior to the end of the waiting
18 period, the Director on a one time basis may require the
19 submission of additional needed information relevant to the
20 proposed acquisition, in which event the waiting period shall
21 end on the earlier of the 30th day after the receipt of such
22 additional information by the Director or termination of the
23 waiting period by the Director.

24 (4) Competitive Standard.

25 (a) The Director may enter an order under subsection
26 (5)(a) with respect to an acquisition if there is substantial
27 evidence that the effect of the acquisition may be
28 substantially to lessen competition in any line of insurance
29 in this State or tend to create a monopoly therein or if the
30 insurer fails to file adequate information in compliance with
31 subsection (3).

32 (b) In determining whether a proposed acquisition would
33 violate the competitive standard of paragraph (a) ~~(1)~~ of this
34 subsection the Director shall consider the following:

1 (i) any acquisition covered under subsection (2)
 2 involving 2 or more insurers competing in the same market
 3 is prima facie evidence of violation of the competitive
 4 standards:-

5 (A) if the market is highly concentrated and
 6 the involved insurers possess the following shares
 7 ~~shareers~~ of the market:

8 Insurer A	Insurer B
9 4%	4% or more
10 10%	2% or more
11 15%	1% or more

12 (B) ~~er~~ if the market is not highly
 13 concentrated and the involved insurers possess the
 14 following shares of the market:

15 Insurer A	Insurer B
16 5%	5% or more
17 10%	4% or more
18 15%	3% or more
19 19%	1% or more

20 A highly concentrated market is one in which the
 21 share of the 4 largest insurers is 75% or more of the
 22 market. Percentages not shown in the tables are to be
 23 interpolated proportionately to the percentages that are
 24 shown. If more than 2 insurers are involved, exceeding
 25 the total of the 2 columns in the table is prima facie
 26 evidence of violation of the competitive standard in
 27 paragraph (a) of this subsection. For the purpose of
 28 this subparagraph, the insurer with the largest share of
 29 the market shall be deemed to be Insurer A.

30 (ii) There is a significant trend toward increased
 31 concentration when the aggregate market share of any
 32 grouping of the largest insurers in the market from the 2
 33 largest to the 8 largest has increased by 7% or more of
 34 the market over a period of time extending from any base

1 year 5-10 years prior to the acquisition up to the time
2 of the acquisition. Any acquisition covered under
3 subsection (2) involving 2 or more insurers competing in
4 the same market is prima facie evidence of violation of
5 the competitive standard in paragraph (a) of this
6 subsection if:

7 (A) there is a significant trend toward
8 increased concentration in the market,

9 (B) one of the insurers involved is one of the
10 insurers in a grouping of such large insurers
11 showing the requisite increase in the market share,
12 and

13 (C) another involved insurer's market is 2% or
14 more.

15 (iii) For the purpose of subsection (4)(b):

16 (A) The term "insurer" includes any company or
17 group of companies under common management,
18 ownership or control.

19 (B) The term "market" means the relevant
20 product and geographic markets. In determining the
21 relevant product and geographical markets, the
22 Director shall give due consideration to, among
23 other things, the definitions or guidelines, if any,
24 promulgated by the National Association of Insurance
25 Commissioners and to information, if any, submitted
26 by parties to the acquisition. In the absence of
27 sufficient information to the contrary, the relevant
28 product market is assumed to be the direct written
29 insurance premium for a line of business with such
30 line being that used in the annual statement
31 required to be filed by insurers doing business in
32 this State and the relevant geographical market is
33 assumed to be this State.

34 (C) The burden of showing prima facie evidence

1 of violation of the competitive standard rests upon
2 the Director.

3 (iv) Even though an acquisition is not prima facie
4 violative of the competitive standard under subparagraph
5 (b)(i) and (b)(ii) of this subsection the Director may
6 establish the requisite anticompetitive effect based upon
7 other substantial evidence. Even though an acquisition
8 is prima facie violative of the competitive standard
9 under subparagraphs (b)(i) and (b)(ii) of this subsection
10 (4), a party may establish the absence of the requisite
11 anticompetitive effect based upon other substantial
12 evidence. Relevant factors in making a determination
13 under this paragraph include, but are not limited to, the
14 following: market shares, volatility of ranking of
15 market leaders, number of competitors, concentration,
16 trend of concentration in the industry, and ease of entry
17 and exit into the market.

18 (c) An order may not be entered under subsection (5)(a)
19 if:

20 (i) the acquisition will yield substantial
21 economies of scale or economies in resource utilization
22 that cannot be feasibly achieved in any other way, and
23 the public benefits which would arise from such economies
24 exceed the public benefits which would arise from not
25 lessening competition; or

26 (ii) the acquisition will substantially increase
27 the availability of insurance, and the public benefits of
28 such increase exceed the public benefits which would
29 arise from not lessening competition.

30 (5) Orders and Penalties:

31 (a)(i) If an acquisition violates the standard of
32 this Section, the Director may enter an order

33 (A) requiring an involved insurer to cease and
34 desist from doing business in this State with

1 respect to the line or lines of insurance involved
2 in the violation, or

3 (B) denying the application of an acquired or
4 acquiring insurer for a license to do business in
5 this State.

6 (ii) Such an order shall not be entered unless
7 there is a hearing, notice of such hearing is issued
8 prior to the end of the waiting period and not less than
9 15 days prior to the end of the waiting period and not
10 less than 15 days prior to the hearing, and the hearing
11 is concluded and the order is issued no later than 60
12 days after the end of the waiting period. Every order
13 shall be accompanied by a written decision of the
14 Director setting forth his findings of fact and
15 conclusions of law.

16 (iii) An order entered under this paragraph shall
17 not become final earlier than 30 days after it is issued,
18 during which time the involved insurer may submit a plan
19 to remedy the anticompetitive impact of the acquisition
20 within a reasonable time. Based upon such plan or other
21 information, the Director shall specify, if any, the
22 conditions under and the time period during which the
23 aspects of the acquisition causing a violation of the
24 standards of this Section would be remedied and the order
25 vacated or modified.

26 (iv) An order pursuant to this paragraph shall not
27 apply if the acquisition is not consummated.

28 (b) Any person who violates a cease and desist order of
29 the Director under paragraph (a) and while such order is in
30 effect may after notice and hearing and upon order of the
31 Director be subject at the discretion of the Director to any
32 one or more of the following:

33 (i) a monetary penalty of not more than \$10,000 for
34 every day of violation or

1 (ii) suspension or revocation of such person's
2 license or both.

3 (c) Any insurer or other person who fails to make any
4 filing required by this Section and who also fails to
5 demonstrate a good faith effort to comply with any such
6 filing requirement shall be subject to a civil penalty of not
7 more than \$50,000.

8 (6) Inapplicable Provisions. Subsections (2) and (3) of
9 Section 131.23 and Section 131.25 do not apply to
10 acquisitions covered under subsection (2).

11 (Source: P.A. 83-749; revised 4-4-00.)

12 (215 ILCS 5/143.13) (from Ch. 73, par. 755.13)

13 Sec. 143.13. Definition of terms used in Sections 143.11
14 through 143.24.

15 (a) "Policy of automobile insurance" means a policy
16 delivered or issued for delivery in this State, insuring a
17 natural person as named insured or one or more related
18 individuals resident of the same household and under which
19 the insured vehicles therein designated are motor vehicles of
20 the private passenger, station wagon, or any other 4-wheeled
21 motor vehicle with a load capacity of 1500 pounds or less
22 which is not used in the occupation, profession or business
23 of the insured or not used as a public or livery conveyance
24 for passengers nor rented to others. Policy of automobile
25 insurance shall also mean a named non-owner's automobile
26 policy.

27 Policy of automobile insurance does not apply to policies
28 of automobile insurance issued under the Illinois Automobile
29 Insurance Plan, to any policy covering garages, automobile
30 sales agencies, repair shops, service stations or public
31 parking place operation hazards. "Policy of automobile
32 insurance" does not include a policy, binder, or application
33 for which the applicant gives or has given for the initial

1 premium a check or credit card charge that is subsequently
2 dishonored for payment, unless the check or credit card
3 charge was dishonored through no fault of the payor.

4 (b) "Policy of fire and extended coverage insurance"
5 means a policy delivered or issued for delivery in this
6 State, that includes but is not limited to, the perils of
7 fire and extended coverage, and covers real property used
8 principally for residential purposes up to and including a 4
9 family dwelling or any household or personal property that is
10 usual or incidental to the occupancy to any premises used for
11 residential purposes.

12 (c) "All other policies of personal lines" means any
13 other policy of insurance issued to a natural person for
14 personal or family protection.

15 (d) "Renewal" or "to renew" means (1) any change to an
16 entire line of business in accordance with subsection b-5 of
17 Section 143.17 and (2) the issuance and delivery by an
18 insurer of a policy superseding at the end of the policy
19 period a policy previously issued and delivered by the same
20 insurer or the issuance and delivery of a certificate or
21 notice extending the term of a policy beyond its policy
22 period or term; however, any successive policies issued by
23 the same insurer to the same insured, for the same or similar
24 coverage, shall be considered a renewal policy.

25 Any policy with a policy period or term of less than 6
26 months or any policy with no fixed expiration date shall be
27 considered as if written for successive policy periods or
28 terms of 6 months for the purpose of "renewal" or "to renew"
29 as defined in this paragraph (d) and for the purpose of any
30 non-renewal notice required by Section 143.17 of this Code.

31 (e) "Nonpayment of premium" means failure of the named
32 insured to discharge, when due, any of his obligations in
33 connection with the payment of premiums or any installment of
34 such premium that is payable directly to the insurer or to

1 its agent. Premium shall mean the premium that is due for an
2 individual policy which shall not include any membership dues
3 or other consideration required to be a member of any
4 organization in order to be eligible for such policy. The
5 term "nonpayment of premium" does not include a check, credit
6 card charge, or money order that an applicant gives or has
7 given to any person for the initial premium payment for a
8 policy, binder, or application and that is subsequently
9 dishonored for payment, and any policy, binder, or
10 application in connection therewith is void and of no effect
11 and not subject to the cancellation provisions of this Code.

12 (f) "A policy delivered or issued for delivery in this
13 State" shall include but not be limited to all binders of
14 insurance, whether written or oral, and all applications
15 bound for future delivery by a duly licensed resident agent.
16 A written binder of insurance issued for a term of 60 days or
17 less, which contains on its face a specific inception and
18 expiration date and which a copy has been furnished to the
19 insured, shall not be subject to the non-renewal requirements
20 of Section 143.17 of this Code.

21 (g) "Cancellation" or "cancelled" means the termination
22 of a policy by an insurer prior to the expiration date of the
23 policy. A policy of automobile or fire and extended coverage
24 insurance which expires by its own terms on the policy
25 expiration date unless advance premiums are received by the
26 insurer for succeeding policy periods shall not be considered
27 "cancelled" or a "cancellation" effected by the insurer in
28 the event such premiums are not paid on or before the policy
29 expiration date.

30 (h) "Commercial excess and umbrella liability policy"
31 means a policy written over one or more underlying policies
32 for an insured:

33 (1) that has at least 25 full-time employees at the
34 time the commercial excess and umbrella liability policy

1 is written and procures the insurance of any risk or
 2 risks, other than life, accident and health, and annuity
 3 contracts, as described in clauses (a) and (b) of Class 1
 4 of Section 4 and clause (a) of Class 2 of Section 4, by
 5 use of the services of a full-time employee acting as an
 6 insurance manager or buyer; or

7 (2) whose aggregate annual premiums for all
 8 property and casualty insurance on all risks is at least
 9 \$50,000.

10 (Source: P.A. 91-552, eff. 8-14-99; 91-597, eff. 1-1-00;
 11 revised 10-25-99.)

12 (215 ILCS 5/143.19) (from Ch. 73, par. 755.19)

13 Sec. 143.19. Cancellation of Automobile Insurance Policy
 14 - Grounds. After a policy of automobile insurance as defined
 15 in Section 143.13(a) has been effective for 60 days, or if
 16 such policy is a renewal policy, the insurer shall not
 17 exercise its option to cancel such policy except for one or
 18 more of the following reasons:

19 a. Nonpayment of premium;

20 b. The policy was obtained through a material
 21 misrepresentation;

22 c. Any insured violated any of the terms and conditions
 23 of the policy;

24 d. The named insured failed to disclose fully his motor
 25 vehicle accidents and moving traffic violations for the
 26 preceding 36 months if called for in the application;

27 e. Any insured made a false or fraudulent claim of
 28 knowingly aided or abetted another in the presentation of
 29 such a claim;

30 f. The named insured or any other operator who either
 31 resides in the same household or customarily operates an
 32 automobile insured under such policy:

33 1. has, within the 12 months ~~month~~ prior to the

1 notice of cancellation, had his driver's license under
2 suspension or revocation;

3 2. is or becomes subject to epilepsy or heart
4 attacks, and such individual does not produce a
5 certificate from a physician testifying to his
6 unqualified ability to operate a motor vehicle safely;

7 3. has an accident record, conviction record
8 (criminal or traffic), physical, or mental condition
9 which is such that his operation of an automobile might
10 endanger the public safety;

11 4. has, within the 36 months prior to the notice of
12 cancellation, been addicted to the use of narcotics or
13 other drugs; or

14 5. has been convicted, or forfeited bail, during
15 the 36 months immediately preceding the notice of
16 cancellation, for any felony, criminal negligence
17 resulting in death, homicide or assault arising out of
18 the operation of a motor vehicle, operating a motor
19 vehicle while in an intoxicated condition or while under
20 the influence of drugs, being intoxicated while in, or
21 about, an automobile or while having custody of an
22 automobile, leaving the scene of an accident without
23 stopping to report, theft or unlawful taking of a motor
24 vehicle, making false statements in an application for an
25 operator's or chauffeur's license or has been convicted
26 or forfeited bail for 3 or more violations within the 12
27 months immediately preceding the notice of cancellation,
28 of any law, ordinance, or regulation limiting the speed
29 of motor vehicles or any of the provisions of the motor
30 vehicle laws of any state, violation of which constitutes
31 a misdemeanor, whether or not the violations were
32 repetitions of the same offense of different offenses; or

33 g. The insured automobile is:

34 1. so mechanically defective that its operation

1 might endanger public safety;

2 2. used in carrying passengers for hire or
3 compensation (the use of an automobile for a car pool
4 shall not be considered use of an automobile for hire or
5 compensation);

6 3. used use in the business of transportation of
7 flammables or explosives;

8 4. an authorized emergency vehicle;

9 5. changed in shape or condition during the policy
10 period so as to increase the risk substantially; or

11 6. subject to an inspection law and has not been
12 inspected or, if inspected, has failed to qualify.

13 Nothing in this Section shall apply to nonrenewal.

14 (Source: P.A. 79-686; revised 8-4-00.)

15 Section 53.5. The Small Employer Health Insurance Rating
16 Act is amended by changing Section 15 as follows:

17 (215 ILCS 93/15)

18 Sec. 15. Applicability and scope. (a) This Act shall
19 apply to each health benefit plan for a small employer that
20 is delivered, issued for delivery, renewed, or continued in
21 this State after July 1, 2000. For purposes of this Section,
22 the date a plan is continued shall be the first rating period
23 which commences after July 1, 2000. The Act shall apply to
24 any such health benefit plan which provides coverage to
25 employees of a small employer, except that the Act shall not
26 apply to individual health insurance policies.

27 (Source: P.A. 91-510, eff. 1-1-00; revised 3-20-00.)

28 Section 54. The Children's Health Insurance Program Act
29 is amended by changing Section 22 as follows:

30 (215 ILCS 106/22)

1 (Section scheduled to be repealed on July 1, 2002)

2 Sec. 22. Enrollment in program. The Department shall
3 develop procedures to allow community providers, and schools,
4 youth service agencies, employers, labor unions, local
5 chambers of commerce, and religious organizations to assist
6 in enrolling children in the Program.

7 (Source: P.A. 91-470, eff. 8-10-99; 91-471, eff. 8-10-99;
8 revised 6-23-00.)

9 Section 54.5. The Dental Care Patient Protection Act is
10 amended by changing Section 60 as follows:

11 (215 ILCS 109/60)

12 Sec. 60. Record of complaints.

13 (a) The Department shall maintain records concerning the
14 complaints filed against the plan with the Department. The
15 Department shall make a summary of all data collected
16 available upon request and publish the summary on the World
17 Wide Web.

18 (b) The Department shall maintain records on the number
19 of complaints filed against each plan.

20 (c) The Department shall maintain records classifying
21 each complaint by whether the complaint was filed by:

22 (1) a consumer or enrollee;

23 (2) a provider; or

24 (3) any other individual.

25 (d) (Blank).

26 (e) The Department shall maintain records classifying
27 each complaint according to the nature of the complaint as it
28 pertains to a specific function of the plan. The complaints
29 shall be classified under the following categories:

30 (1) denial of care or treatment;

31 (2) denial of a diagnostic procedure;

32 (3) denial of a referral request;

- 1 (4) sufficient choice and accessibility of
- 2 dentists;
- 3 (5) underwriting;
- 4 (6) marketing and sales;
- 5 (7) claims and utilization review;
- 6 (8) member services;
- 7 (9) provider relations; and
- 8 (10) miscellaneous.

9 (f) The Department shall maintain records classifying
 10 the disposition of each complaint. The disposition of the
 11 complaint shall be classified in one of the following
 12 categories:

- 13 (1) complaint referred to the plan and no further
 14 action necessary by the Department;
- 15 (2) no corrective action deemed necessary by the
 16 Department; or
- 17 (3) corrective action taken by the Department.

18 (g) No Department publication or release of information
 19 shall identify any enrollee, dentist, or individual
 20 complainant.

21 (Source: P.A. 91-355, eff. 1-1-00; revised 2-23-00.)

22 Section 55. The Health Maintenance Organization Act is
 23 amended by changing Sections 1-3 and 2-7 as follows:

24 (215 ILCS 125/1-3) (from Ch. 111 1/2, par. 1402.1)

25 Sec. 1-3. Definitions of admitted assets. "Admitted
 26 Assets" includes the investments authorized or permitted by
 27 Section 3-1 of this Act and, in addition thereto, only the
 28 following: ~~Section~~

- 29 (1) Amounts due from affiliates pursuant to
 30 management contracts or service agreements which meet the
 31 requirements of Section 141.1 of the Illinois Insurance
 32 Code to the extent that the affiliate has liquid assets

1 with which to pay the balance and maintain its accounts
 2 on a current basis; provided that the aggregate amount
 3 due from affiliates may not exceed the lesser of 10% of
 4 the organization's admitted assets or 25% of the
 5 organization's net worth as defined in Section 3-1. Any
 6 amount outstanding more than 3 months shall be deemed not
 7 current. For purpose of this subsection "affiliates" are
 8 as defined in Article VIII 1/2 of the Illinois Insurance
 9 Code.

10 (2) Amounts advanced to providers under contract to
 11 the organization for services to be rendered to enrollees
 12 pursuant to the contract. Amounts advanced must be for
 13 period of not more than 3 months and must be based on
 14 historical or estimated utilization patterns with the
 15 provider and must be reconciled against actual incurred
 16 claims at least semi-annually. Amounts due in the
 17 aggregate may not exceed 50% of the organization's net
 18 worth as defined in Section 3-1. Amounts due from a
 19 single provider may not exceed the lesser of 5% of the
 20 organization's admitted assets or 10% of the
 21 organization's net worth.

22 (3) Amounts permitted under Section 2-7.
 23 (Source: P.A. 91-357, eff. 7-29-99; 91-549, eff. 8-14-99;
 24 revised 8-27-99.)

25 (215 ILCS 125/2-7) (from Ch. 111 1/2, par. 1407)
 26 Sec. 2-7. Annual statement; audited financial reports.

27 ¶¶

28 (a) A health maintenance organization shall file with
 29 the Director by March 1st in each year 2 copies of its
 30 financial statement for the year ending December 31st
 31 immediately preceding on forms prescribed by the Director,
 32 which shall conform substantially to the form of statement
 33 adopted by the National Association of Insurance

1 Commissioners. Unless the Director provides otherwise, the
2 annual statement is to be prepared in accordance with the
3 annual statement instructions and the Accounting Practices
4 and Procedures Manual adopted by the National Association of
5 Insurance Commissioners. The Director shall have power to
6 make such modifications and additions in this form as he may
7 deem desirable or necessary to ascertain the condition and
8 affairs of the organization. The Director shall have
9 authority to extend the time for filing any statement by any
10 organization for reasons which he considers good and
11 sufficient. The statement shall be verified by oaths of the
12 president and secretary of the organization or, in their
13 absence, by 2 other principal officers. In addition, any
14 organization may be required by the Director, when he
15 considers that action to be necessary and appropriate for the
16 protection of enrollees, creditors, shareholders,
17 subscribers, or claimants, to file, within 60 days after
18 mailing to the organization a notice that such is required, a
19 supplemental summary statement as of the last day of any
20 calendar month occurring during the 100 days next preceding
21 the mailing of such notice designated by him on forms
22 prescribed and furnished by the Director. The Director may
23 require supplemental summary statements to be certified by an
24 independent actuary deemed competent by the Director or by an
25 independent certified public accountant. ~~filed~~

26 (b) Audited financial reports shall be filed on or
27 before June 1 of each year for the two calendar years
28 immediately preceding and shall provide an opinion expressed
29 by an independent certified public accountant on the
30 accompanying financial statement of the Health Maintenance
31 Organization and a detailed reconciliation for any
32 differences between the accompanying financial statements and
33 each of the related financial statements filed in accordance
34 with subsection (a) of this Section. Any organization

1 failing, without just cause, to file the annual audited
2 financial statement as required in this Act shall be
3 required, after the notice and hearing, to pay a penalty of
4 \$100 for each day's delay, to be recovered by the Director of
5 Insurance of the State of Illinois and the penalty so
6 recovered shall be paid into the General Revenue Fund of the
7 State of Illinois. The Director may reduce the penalty if
8 the organization demonstrates to the Director that the
9 imposition of the penalty would constitute a financial
10 hardship to the organization.

11 (c) The Director may require that additional summary
12 financial information be filed no more often than 3 times per
13 year on reporting forms provided by him. However, he may
14 request certain key information on a more frequent basis if
15 necessary for a determination of the financial viability of
16 the organization.

17 (d) The Director shall have the authority to extend the
18 time for filing any statement by any organization for reasons
19 which the Director considers good and sufficient.

20 (Source: P.A. 91-357, eff. 7-29-99; 91-549, eff. 8-14-99;
21 revised 8-27-99.)

22 Section 57. The Service Contract Act is amended by
23 changing Section 10 as follows:

24 (215 ILCS 152/10)

25 Sec. 10. Exemptions. Service contract providers and
26 related service contract sellers and administrators complying
27 with this Act are not required to comply with and are not
28 subject to any provision of the Illinois Insurance Code. A
29 service contract provider who is the manufacturer or a
30 wholly-owned subsidiary of the manufacturer of the product or
31 the builder, seller, or lessor of the product that is the
32 subject of the service contract is required to comply only

1 with Sections 30, 35, 45, and 50 of this Act; except that, a
2 service contract provider who sells a motor vehicle,
3 excluding a motorcycle as defined in Section 1-147 of the
4 Illinois Vehicle Code, or who leases, but is not the
5 manufacturer of, the motor vehicle, excluding a motorcycle as
6 defined in Section 1-147 of the Illinois Vehicle Code, that
7 is the subject of the service contract must comply with this
8 Act in its entirety. Contracts for the repair and monitoring
9 of private alarm or private security systems regulated under
10 the Private Detective, Private Alarm, Private Security, and
11 Locksmith Act of 1993 are not required to comply with this
12 Act and are not subject to any provision of the Illinois
13 Insurance Code.

14 (Source: P.A. 90-711, eff. 8-7-98; 90-817, eff. 3-23-99;
15 91-430, eff. 1-1-00; revised 10-19-99.)

16 Section 58. The Title Insurance Act is amended by
17 changing Section 3 as follows:

18 (215 ILCS 155/3) (from Ch. 73, par. 1403)

19 Sec. 3. As used in this Act, the words and phrases
20 following shall have the following meanings unless the
21 context requires otherwise:

22 (1) "Title insurance business" or "business of title
23 insurance" means:

24 (A) Issuing as insurer or offering to issue as
25 insurer title insurance; and

26 (B) Transacting or proposing to transact one or
27 more of the following activities when conducted or
28 performed in contemplation of or in conjunction with the
29 issuance of title insurance;

30 (i) soliciting or negotiating the issuance of
31 title insurance;

32 (ii) guaranteeing, warranting, or otherwise

1 insuring the correctness of title searches for all
2 instruments affecting titles to real property, any
3 interest in real property, cooperative units and
4 proprietary leases, and for all liens or charges
5 affecting the same;

6 (iii) handling of escrows, settlements, or
7 closings;

8 (iv) executing title insurance policies;

9 (v) effecting contracts of reinsurance;

10 (vi) abstracting, searching, or examining
11 titles; or

12 (vii) issuing closing protection letters;

13 (C) Guaranteeing, warranting, or insuring searches
14 or examinations of title to real property or any interest
15 in real property, with the exception of preparing an
16 attorney's opinion of title; or

17 (D) Guaranteeing or warranting the status of title
18 as to ownership of or liens on real property and personal
19 property by any person other than the principals to the
20 transaction; or

21 (E) Doing or proposing to do any business
22 substantially equivalent to any of the activities listed
23 in this subsection, provided that the preparation of an
24 attorney's opinion of title pursuant to paragraph (1)(C)
25 is not intended to be within the definition of "title
26 insurance business" or "business of title insurance".

27 (1.5) "Title insurance" means insuring, guaranteeing,
28 warranting, or indemnifying owners of real or personal
29 property or the holders of liens or encumbrances thereon or
30 others interested therein against loss or damage suffered by
31 reason of liens, encumbrances upon, defects in, or the
32 unmarketability of the title to the property; the invalidity
33 or unenforceability of any liens or encumbrances thereon; or
34 doing any business in substance equivalent to any of the

1 foregoing. "Warranting" for purpose of this provision shall
2 not include any warranty contained in instruments of
3 encumbrance or conveyance. An attorney's opinion of title
4 pursuant to paragraph (1)(C) is not intended to be within the
5 definition of "title insurance".

6 (2) "Title insurance company" means any domestic company
7 organized under the laws of this State for the purpose of
8 conducting the business of guaranteeing or insuring titles to
9 real estate and any title insurance company organized under
10 the laws of another State, the District of Columbia or
11 foreign government and authorized to transact the business of
12 guaranteeing or insuring titles to real estate in this State.

13 (3) "Title insurance agent" means a person, firm,
14 partnership, association, corporation or other legal entity
15 registered by a title insurance company and authorized by
16 such company to determine insurability of title in accordance
17 with generally acceptable underwriting rules and standards in
18 reliance on either the public records or a search package
19 prepared from a title plant, or both, and authorized in
20 addition to do any of the following: act as an escrow agent,
21 solicit title insurance, collect premiums, issue title
22 reports, binders or commitments to insure and policies in its
23 behalf, provided, however, the term "title insurance agent"
24 shall not include officers and salaried employees of any
25 title insurance company.

26 (4) "Producer of title business" is any person, firm,
27 partnership, association, corporation or other legal entity
28 engaged in this State in the trade, business, occupation or
29 profession of (i) buying or selling interests in real
30 property, (ii) making loans secured by interests in real
31 property, or (iii) acting as broker, agent, attorney, or
32 representative of natural persons or other legal entities
33 that buy or sell interests in real property or that lend
34 money with such interests as security.

1 (5) "Associate" is any firm, association, partnership,
2 corporation or other legal entity organized for profit in
3 which a producer of title business is a director, officer, or
4 partner thereof, or owner of a financial interest, as defined
5 herein, in such entity; any legal entity that controls, is
6 controlled by, or is under common control with a producer of
7 title business; and any natural person or legal entity with
8 whom a producer of title business has any agreement,
9 arrangement, or understanding or pursues any course of
10 conduct the purpose of which is to evade the provisions of
11 this Act.

12 (6) "Financial interest" is any ownership interest,
13 legal or beneficial, except ownership of publicly traded
14 stock.

15 (7) "Refer" means to place or cause to be placed, or to
16 exercise any power or influence over the placing of title
17 business, whether or not the consent or approval of any other
18 person is sought or obtained with respect to the referral.

19 (8) "Escrow Agent" means any title insurance company or
20 any title insurance agent acting on behalf of a title
21 insurance company which receives deposits, in trust, of funds
22 or documents, or both, for the purpose of effecting the sale,
23 transfer, encumbrance or lease of real property to be held by
24 such escrow agent until title to the real property that is
25 the subject of the escrow is in a prescribed condition.

26 (9) "Independent Escrowee" means any firm, person,
27 partnership, association, corporation or other legal entity,
28 other than a title insurance company or a title insurance
29 agent, which receives deposits, in trust, of funds or
30 documents, or both, for the purpose of effecting the sale,
31 transfer, encumbrance or lease of real property to be held by
32 such escrowee until title to the real property that is the
33 subject of the escrow is in a prescribed condition. Federal
34 and State chartered banks, savings and loan associations,

1 credit unions, mortgage bankers, banks or trust companies
2 authorized to do business under the Illinois Corporate
3 Fiduciary Act, licensees under the Consumer Installment Loan
4 Act, real estate brokers licensed pursuant to the Real Estate
5 License Act of 2000, as such Acts are now or hereafter
6 amended, and licensed attorneys when engaged in the
7 attorney-client relationship are exempt from the escrow
8 provisions of this Act.

9 (10) "Single risk" means the insured amount of any title
10 insurance policy, except that where 2 or more title insurance
11 policies are issued simultaneously covering different estates
12 in the same real property, "single risk" means the sum of the
13 insured amounts of all such title insurance policies. Any
14 title insurance policy insuring a mortgage interest, a claim
15 payment under which reduces the insured amount of a fee or
16 leasehold title insurance policy, shall be excluded in
17 computing the amount of a single risk to the extent that the
18 insured amount of the mortgage title insurance policy does
19 not exceed the insured amount of the fee or leasehold title
20 insurance policy.

21 (11) "Department" means the Department of Financial
22 Institutions.

23 (12) "Director" means the Director of Financial
24 Institutions.

25 (13) "Insured closing letter" or "closing protection
26 letter" means an indemnification or undertaking to a party to
27 a real estate transaction, from a principal such as a title
28 insurance company or similar entity, setting forth in writing
29 the extent of the principal's responsibility for intentional
30 misconduct or errors in closing the real estate transaction
31 on the part of a settlement agent, such as a title insurance
32 agent or other settlement service provider.

33 (Source: P.A. 91-159, eff. 1-1-00; 91-245, eff. 12-31-99;
34 revised 8-12-99.)

1 Section 60. The Public Utilities Act is amended by
2 changing Section 4-101 as follows:

3 (220 ILCS 5/4-101) (from Ch. 111 2/3, par. 4-101)

4 Sec. 4-101. The Commerce Commission shall have general
5 supervision of all public utilities, except as otherwise
6 provided in this Act, shall inquire into the management of
7 the business thereof and shall keep itself informed as to the
8 manner and method in which the business is conducted. It
9 shall examine those public utilities and keep informed as to
10 their general condition, their franchises, capitalization,
11 rates and other charges, and the manner in which their
12 plants, equipment and other property owned, leased,
13 controlled or operated are managed, conducted and operated,
14 not only with respect to the adequacy, security and
15 accommodation afforded by their service but also with respect
16 to their compliance with this Act and any other law, with the
17 orders of the Commission and with the charter and franchise
18 requirements.

19 Whenever the Commission is authorized or required by law
20 to consider some aspect of criminal history record
21 information for the purpose of carrying out its statutory
22 powers and responsibilities, then, upon request and payment
23 of fees in conformance with the requirements of Section
24 2605-400 of the Department of State Police Law (20 ILCS
25 2605/2605-400), the Department of State Police is authorized
26 to furnish, pursuant to positive identification, such
27 information contained in State files as is necessary to
28 fulfill the request.

29 (Source: P.A. 91-239, eff. 1-1-00; 91-638, eff. 1-1-00;
30 revised 10-27-99.)

31 Section 61. The Health Care Worker Background Check Act
32 is amended by changing Section 15 as follows:

1 (225 ILCS 46/15)

2 Sec. 15. Definitions. For the purposes of this Act, the
3 following definitions apply:

4 "Applicant" means an individual seeking employment with a
5 health care employer who has received a bona fide conditional
6 offer of employment.

7 "Conditional offer of employment" means a bona fide offer
8 of employment by a health care employer to an applicant,
9 which is contingent upon the receipt of a report from the
10 Department of State Police indicating that the applicant does
11 not have a record of conviction of any of the criminal
12 offenses enumerated in Section 25.

13 "Direct care" means the provision of nursing care or
14 assistance with feeding, dressing, movement, bathing,
15 toileting, or other personal needs. The entity responsible
16 for inspecting and licensing, certifying, or registering the
17 health care employer may, by administrative rule, prescribe
18 guidelines for interpreting this definition with regard to
19 the health care employers that it licenses.

20 "Health care employer" means:

- 21 (1) the owner or licensee of any of the following:
 - 22 (i) a community living facility, as defined in the
23 Community Living Facilities Act;
 - 24 (ii) a life care facility, as defined in the Life
25 Care Facilities Act;
 - 26 (iii) a long-term care facility, as defined in the
27 Nursing Home Care Act;
 - 28 (iv) a home health agency, as defined in the Home
29 Health Agency Licensing Act;
 - 30 (v) a full hospice, as defined in the Hospice
31 Program Licensing Act;
 - 32 (vi) a hospital, as defined in the Hospital
33 Licensing Act;
 - 34 (vii) a community residential alternative, as

1 defined in the Community Residential Alternatives
2 Licensing Act;

3 (viii) a nurse agency, as defined in the Nurse
4 Agency Licensing Act;

5 (ix) a respite care provider, as defined in the
6 Respite Program Act;

7 (ix-a) an establishment licensed under the Assisted
8 Living and Shared Housing Act; ~~(xi)~~

9 (x) a supportive living program, as defined in the
10 Illinois Public Aid Code;

11 (xi) early childhood intervention programs as
12 described in 59 Ill. Adm. Code 121;

13 (xii) the University of Illinois Hospital, Chicago;

14 (xiii) programs funded by the Department on Aging
15 through the Community Care Program;

16 (xiv) programs certified to participate in the
17 Supportive Living Program authorized pursuant to Section
18 5-5.01a of the Illinois Public Aid Code;

19 (xv) programs listed by the Emergency Medical
20 Services (EMS) Systems Act as Freestanding Emergency
21 Centers;

22 (xvi) locations licensed under the Alternative
23 Health Care Delivery Act;

24 (2) a day training program certified by the Department
25 of Human Services; or

26 (3) a community integrated living arrangement operated
27 by a community mental health and developmental service
28 agency, as defined in the Community-Integrated Living
29 Arrangements Licensing and Certification Act.

30 "Initiate" means the obtaining of the authorization for a
31 record check from a student, applicant, or employee. The
32 educational entity or health care employer or its designee
33 shall transmit all necessary information and fees to the
34 Illinois State Police within 10 working days after receipt of

1 the authorization.

2 (Source: P.A. 90-14, eff. 7-1-97; 90-776, eff. 1-1-99;
3 91-598, eff. 1-1-00; 91-656, eff. 1-1-01; revised 1-6-00.)

4 Section 61.5. The Hearing Instrument Consumer Protection
5 Act is amended by changing Section 33 as follows:

6 (225 ILCS 50/33) (from Ch. 111, par. 7433)

7 Sec. 33. Violation of Act; unlawful practice. The
8 advertising, offering for sale, sale, or distribution of
9 hearing instrument goods and services to consumers by any
10 person in violation of any of the provisions of this Act is
11 an unlawful practice pursuant to Section 22 20 of the
12 Consumer Fraud and Deceptive Business Practices Act.

13 (Source: P.A. 89-72, eff. 12-31-95; revised 3-27-00.)

14 Section 62. The Medical Practice Act of 1987 is amended
15 by changing Section 21 as follows:

16 (225 ILCS 60/21) (from Ch. 111, par. 4400-21)

17 Sec. 21. License renewal; restoration; inactive status;
18 disposition and collection of fees.

19 (A) Renewal. The expiration date and renewal period for
20 each license issued under this Act shall be set by rule. The
21 holder of a license may renew the license by paying the
22 required fee. The holder of a license may also renew the
23 license within 90 days after its expiration by complying with
24 the requirements for renewal and payment of an additional
25 fee. A license renewal within 90 days after expiration shall
26 be effective retroactively to the expiration date.

27 The Department shall mail to each licensee under this
28 Act, at his or her last known address, at least 60 days in
29 advance of the expiration date of his or her license, a
30 notice of that fact and an application for renewal form. No

1 such license shall be deemed to have lapsed until 90 days
2 after the expiration date and after such notice and
3 application have been mailed by the Department as herein
4 provided.

5 (B) Restoration. Any licensee who has permitted his or
6 her license to lapse or who has had his or her license on
7 inactive status may have his or her license restored by
8 making application to the Department and filing proof
9 acceptable to the Department of his or her fitness to have
10 the license restored, including evidence certifying to active
11 practice in another jurisdiction satisfactory to the
12 Department, proof of meeting the continuing education
13 requirements for one renewal period, and by paying the
14 required restoration fee.

15 If the licensee has not maintained an active practice in
16 another jurisdiction satisfactory to the Department, the
17 Licensing Board shall determine, by an evaluation program
18 established by rule, the applicant's fitness to resume active
19 status and may require the licensee to complete a period of
20 evaluated clinical experience and may require successful
21 completion of the practical examination.

22 However, any registrant whose license has expired while
23 he or she has been engaged (a) in Federal Service on active
24 duty with the Army of the United States, the United States
25 Navy, the Marine Corps, the Air Force, the Coast Guard, the
26 Public Health Service or the State Militia called into the
27 service or training of the United States of America, or
28 (b) in training or education under the supervision of the
29 United States preliminary to induction into the military
30 service, may have his or her license reinstated or restored
31 without paying any lapsed renewal fees, if within 2 years
32 after honorable termination of such service, training, or
33 education, he or she furnishes to the Department with
34 satisfactory evidence to the effect that he or she has been

1 so engaged and that his or her service, training, or
2 education has been so terminated.

3 (C) Inactive licenses. Any licensee who notifies the
4 Department, in writing on forms prescribed by the Department,
5 may elect to place his or her license on an inactive status
6 and shall, subject to rules of the Department, be excused
7 from payment of renewal fees until he or she notifies the
8 Department in writing of his or her desire to resume active
9 status.

10 Any licensee requesting restoration from inactive status
11 shall be required to pay the current renewal fee, provide
12 proof of meeting the continuing education requirements for
13 the period of time the license is inactive not to exceed one
14 renewal period, and shall be required to restore his or her
15 license as provided in subsection (B).

16 Any licensee whose license is in an inactive status shall
17 not practice in the State of Illinois.

18 (D) Disposition of monies collected. All monies
19 collected under this Act by the Department shall be deposited
20 in the Illinois State Medical Disciplinary Fund in the State
21 Treasury, and used only for the following purposes: (a) by
22 the Medical Disciplinary Board in the exercise of its powers
23 and performance of its duties, as such use is made by the
24 Department with full consideration of all recommendations of
25 the Medical Disciplinary Board, (b) for costs directly
26 related to persons licensed under this Act, and (c) for
27 direct and allocable indirect costs related to the public
28 purposes of the Department of Professional Regulation.

29 Moneys in the Fund may be transferred to the Professions
30 Indirect Cost Fund as authorized under Section 2105-300 of
31 the Department of Professional Regulation Law (20 ILCS
32 2105/2105-300).

33 All earnings received from investment of monies in the
34 Illinois State Medical Disciplinary Fund shall be deposited

1 in the Illinois State Medical Disciplinary Fund and shall be
2 used for the same purposes as fees deposited in such Fund.

3 (E) Fees. The following fees are nonrefundable.

4 (1) Applicants for any examination shall be
5 required to pay, either to the Department or to the
6 designated testing service, a fee covering the cost of
7 determining the applicant's eligibility and providing the
8 examination. Failure to appear for the examination on the
9 scheduled date, at the time and place specified, after
10 the applicant's application for examination has been
11 received and acknowledged by the Department or the
12 designated testing service, shall result in the
13 forfeiture of the examination fee.

14 (2) The fee for a license under Section 9 of this
15 Act is \$300.

16 (3) The fee for a license under Section 19 of this
17 Act is \$300.

18 (4) The fee for the renewal of a license for a
19 resident of Illinois shall be calculated at the rate of
20 \$100 per year, except for licensees who were issued a
21 license within 12 months of the expiration date of the
22 license, the fee for the renewal shall be \$100. The fee
23 for the renewal of a license for a nonresident shall be
24 calculated at the rate of \$200 per year, except for
25 licensees who were issued a license within 12 months of
26 the expiration date of the license, the fee for the
27 renewal shall be \$200.

28 (5) The fee for the restoration of a license other
29 than from inactive status, is \$100. In addition, payment
30 of all lapsed renewal fees not to exceed \$600 is
31 required.

32 (6) The fee for a 3-year temporary license under
33 Section 17 is \$100.

34 (7) The fee for the issuance of a duplicate

1 license, for the issuance of a replacement license for a
2 license which has been lost or destroyed, or for the
3 issuance of a license with a change of name or address
4 other than during the renewal period is \$20. No fee is
5 required for name and address changes on Department
6 records when no duplicate license is issued.

7 (8) The fee to be paid for a license record for any
8 purpose is \$20.

9 (9) The fee to be paid to have the scoring of an
10 examination, administered by the Department, reviewed and
11 verified, is \$20 plus any fees charged by the applicable
12 testing service.

13 (10) The fee to be paid by a licensee for a wall
14 certificate showing his or her license shall be the
15 actual cost of producing the certificate.

16 (11) The fee for a roster of persons licensed as
17 physicians in this State shall be the actual cost of
18 producing such a roster.

19 (F) Any person who delivers a check or other payment to
20 the Department that is returned to the Department unpaid by
21 the financial institution upon which it is drawn shall pay to
22 the Department, in addition to the amount already owed to the
23 Department, a fine of \$50. If the check or other payment was
24 for a renewal or issuance fee and that person practices
25 without paying the renewal fee or issuance fee and the fine
26 due, an additional fine of \$100 shall be imposed. The fines
27 imposed by this Section are in addition to any other
28 discipline provided under this Act for unlicensed practice or
29 practice on a nonrenewed license. The Department shall notify
30 the person that payment of fees and fines shall be paid to
31 the Department by certified check or money order within 30
32 calendar days of the notification. If, after the expiration
33 of 30 days from the date of the notification, the person has
34 failed to submit the necessary remittance, the Department

1 shall automatically terminate the license or certificate or
2 deny the application, without hearing. If, after termination
3 or denial, the person seeks a license or certificate, he or
4 she shall apply to the Department for restoration or issuance
5 of the license or certificate and pay all fees and fines due
6 to the Department. The Department may establish a fee for the
7 processing of an application for restoration of a license or
8 certificate to pay all expenses of processing this
9 application. The Director may waive the fines due under this
10 Section in individual cases where the Director finds that the
11 fines would be unreasonable or unnecessarily burdensome.
12 (Source: P.A. 91-239, eff. 1-1-00; 91-357, eff. 7-29-99;
13 revised 8-9-99.)

14 Section 63. The Pharmacy Practice Act of 1987 is amended
15 by changing Section 9 as follows:

16 (225 ILCS 85/9) (from Ch. 111, par. 4129)

17 Sec. 9. Registration as pharmacy technician. Any person
18 shall be entitled to registration as a registered pharmacy
19 technician who is of the age of 16 or over, has not engaged
20 in conduct or behavior determined to be grounds for
21 discipline under this Act, is of temperate habits, is
22 attending or has graduated from an accredited high school or
23 comparable school or educational institution, and has filed a
24 written application for registration on a form to be
25 prescribed and furnished by the Department for that purpose.
26 The Department shall issue a certificate of registration as a
27 registered pharmacy technician to any applicant who has
28 qualified as aforesaid, and such registration shall be the
29 sole authority required to assist licensed pharmacists in the
30 practice of pharmacy, under the personal supervision of a
31 licensed pharmacist. Any person registered as a pharmacy
32 technician who is also enrolled in a first professional

1 degree program in pharmacy in a school or college of pharmacy
2 or a department of pharmacy of a university approved by the
3 Department shall be considered a "student pharmacist" and
4 entitled to use the title "student pharmacist". The
5 Department, upon the recommendation of the Board, may take
6 any action set forth in Section 30 of this Act with regard to
7 certificates pursuant to this Section.

8 Any person who is enrolled in a non-traditional Pharm.D.
9 PharmD program at an ACPE accredited college of pharmacy and
10 is a licensed pharmacist under the laws of another United
11 States jurisdiction shall be permitted to engage in the
12 program of practice experience required in the academic
13 program by virtue of such license. Such person shall be
14 exempt from the requirement of registration as a registered
15 pharmacy technician while engaged in the program of practice
16 experience required in the academic program.

17 An applicant for registration as a pharmacy technician
18 may assist a registered pharmacist in the practice of
19 pharmacy for a period of up to 60 days prior to the issuance
20 of a certificate of registration if the applicant has
21 submitted the required fee and an application for
22 registration to the Department. The applicant shall keep a
23 copy of the submitted application on the premises where the
24 applicant is assisting in the practice of pharmacy.

25 (Source: P.A. 90-253, eff. 7-29-97; revised 12-13-99.)

26 Section 64. The Professional Boxing and Wrestling Act is
27 amended by changing Section 23 as follows:

28 (225 ILCS 105/23) (from Ch. 111, par. 5023)

29 Sec. 23. Fees. The fees for the administration and
30 enforcement of this Act including, but not limited to,
31 original licensure or registration, renewal, and restoration
32 shall be set by rule. The fees shall not be refundable.

1 {Blank}-

2 (Source: P.A. 91-357, eff. 7-29-99; 91-408, eff. 1-1-00;
3 revised 8-27-99.)

4 Section 65. The Illinois Architecture Practice Act of
5 1989 is amended by changing Sections 3, 8, 12, and 38 as
6 follows:

7 (225 ILCS 305/3) (from Ch. 111, par. 1303)

8 Sec. 3. Application of Act. Nothing in this Act shall
9 be deemed or construed to prevent the practice of structural
10 engineering as defined in the Structural Engineering Practice
11 Act of 1989, the practice of professional engineering as
12 defined in the Professional Engineering Practice Act of 1989,
13 or the preparation of documents used to prescribe work to be
14 done inside buildings for non-loadbearing interior
15 construction, furnishings, fixtures and equipment, or the
16 offering or preparation of environmental analysis,
17 feasibility studies, programming or construction management
18 services by persons other than those licensed in accordance
19 with this Act, the Structural Engineering Practice Act of
20 1989 or the Professional Engineering Practice Act of 1989.

21 Nothing contained in this Act shall prevent the
22 draftsmen, students, project representatives and other
23 employees of those lawfully practicing as licensed architects
24 under the provisions of this Act, from acting under the
25 direct supervision and control of their employers, or to
26 prevent the employment of project representatives for
27 enlargement or alteration of buildings or any parts thereof,
28 or prevent such project representatives from acting under the
29 direct supervision and control of the licensed architect by
30 whom the construction documents including drawings and
31 specifications of any such building, enlargement or
32 alteration were prepared.

1 Nothing in this Act or any other Act shall prevent a
2 registered architect from practicing interior design
3 services. Nothing in this Act shall be construed as
4 requiring the services of an interior designer for the
5 interior designing of a single family residence.

6 This Act does not apply to any of the following:

7 (A) The building, remodeling or repairing of any
8 building or other structure outside of the corporate
9 limits of any city or village, where such building or
10 structure is to be, or is used for farm purposes, or for
11 the purposes of outbuildings or auxiliary buildings in
12 connection with such farm premises.

13 (B) The construction, remodeling or repairing of a
14 detached single family residence on a single lot.

15 (C) The construction, remodeling or repairing of a
16 two-family residence of wood frame construction on a
17 single lot, not more than two stories and basement in
18 height.

19 (D) Interior design services for buildings which do
20 not involve life safety or structural changes.

21 However, all buildings not included in the preceding
22 paragraphs (A) through (D), including multi-family buildings
23 and buildings previously exempt under those paragraphs but
24 subsequently non-exempt due to a change in occupancy or use,
25 are subject to the requirements of this Act. Interior
26 alterations which result in life safety or structural changes
27 of the building are subject to the requirements of this Act.

28 (Source: P.A. 91-91, eff. 1-1-00; 91-133, eff. 1-1-00;
29 revised 10-6-99.)

30 (225 ILCS 305/8) (from Ch. 111, par. 1308)

31 Sec. 8. Powers and duties of the Department.

32 (1) Subject to the provisions of this Act, the
33 Department shall exercise the following functions, powers,

1 and duties:

2 (a) conduct examinations to ascertain the
3 qualifications and fitness of applicants for licensure as
4 licensed architects, and pass upon the qualifications and
5 fitness of applicants for licensure by endorsement;

6 (b) prescribe rules for a method of examination of
7 candidates;

8 (c) prescribe rules defining what constitutes a
9 school, college or university, or department of a
10 university, or other institution, reputable and in good
11 standing, to determine whether or not a school, college
12 or university, or department of a university, or other
13 institution is reputable and in good standing by
14 reference to a compliance with such rules, and to
15 terminate the approval of such school, college or
16 university or department of a university or other
17 institution that refuses admittance to applicants solely
18 on the basis of race, color, creed, sex or national
19 origin. The Department may adopt, as its own rules
20 relating to education requirements, those guidelines
21 published from time to time by the National Architectural
22 Accrediting Board;

23 (d) prescribe rules for diversified professional
24 training;

25 (e) conduct oral interviews, disciplinary
26 conferences and formal evidentiary hearings on
27 proceedings to impose fines or to suspend, revoke, place
28 on probationary status, reprimand, and refuse to issue or
29 restore any license issued under the provisions of this
30 Act for the reasons set forth in Section 22 of this Act;

31 (f) issue licenses to those who meet the
32 requirements of this Act; and

33 (g) formulate and publish rules necessary or
34 appropriate to carrying out the provisions of this Act;

1 and-

2 (h) To maintain membership in the National Council
3 of Architectural Registration Boards and participate in
4 activities of the Council by designation of individuals
5 for the various classifications of membership and the
6 appointment of delegates for attendance at regional and
7 national meetings of the Council. All costs associated
8 with membership and attendance of such delegates to any
9 national meetings may be funded from the Design
10 Professionals Administration and Investigation Fund.

11 (2) Prior to issuance of any final decision or order
12 that deviates from any report or recommendation of the Board
13 relating to the qualification of applicants, discipline of
14 licensees or registrants, or promulgation of rules, the
15 Director shall notify the Board in writing with an
16 explanation of the any--such deviation and provide a
17 reasonable time for the Board to submit written writing
18 comments to the Director regarding the proposed action. In
19 the event that the Board fails or declines to submit such
20 written comments within 30 days of the said notification, the
21 Director may issue a final decision or order orders
22 consistent with the Director's original decision. The
23 Department may at any time seek the expert advice and
24 knowledge of the Board on any matter relating to the
25 enforcement of this Act.

26 (Source: P.A. 91-133, eff. 1-1-00; revised 3-20-00.)

27 (225 ILCS 305/12) (from Ch. 111, par. 1312)

28 Sec. 12. Examinations; subjects; failure or refusal to
29 take examination. The Department shall authorize examination
30 of applicants as architects at such times and places as it
31 may determine. The examination shall be in English and shall
32 be written or written and graphic. It shall include at a
33 minimum the following subjects:

1 “(a) pre-design (environmental analysis,
2 architectural programming, and application of principles
3 of project management and coordination);

4 (b) site planning (site analysis, design and
5 development, parking, and application of zoning
6 requirements);

7 (c) building planning (conceptual planning of
8 functional and space relationships, building design,
9 interior space layout, barrier-free design, and the
10 application of the life safety code requirements and
11 principles of energy efficient design);

12 (d) building technology (application of structural
13 systems, building components, and mechanical and
14 electrical systems);

15 (e) general structures (identification, resolution,
16 and incorporation of structural systems and the long span
17 design on the technical aspects of the design of
18 buildings and the process and construction);

19 (f) lateral forces (identification and resolution
20 of the effects of lateral forces on the technical aspects
21 of the design of buildings and the process of
22 construction);

23 (g) mechanical and electrical systems (as applied
24 to the design of buildings, including plumbing and
25 acoustical systems);

26 (h) materials and methods (as related to the design
27 of buildings and the technical aspects of construction);
28 and

29 (i) construction documents and services (conduct of
30 architectural practice as it relates to construction
31 documents, bidding, and construction administration and
32 contractual documents from beginning to end of a building
33 project).

34 It shall be the responsibility of the applicant to be

1 familiar with this Act and its rules.

2 Examination subject matter headings and bases on which
3 examinations are graded shall be indicated in rules
4 pertaining to this Act. The Department may adopt the
5 examinations and grading procedures of the National Council
6 of Architectural Registration Boards. Content of any
7 particular examination shall not be considered public record
8 under the Freedom of Information Act.

9 If an applicant neglects without an approved excuse or
10 refuses to take the next available examination offered for
11 licensure under this Act, the fee paid by the applicant shall
12 be forfeited. If an applicant fails to pass an examination
13 for licensure under this Act within 3 years after filing an
14 application, the application shall be denied. The applicant
15 may, however, make a new application for examination
16 accompanied by the required fee and must furnish proof of
17 meeting the qualifications for examination in effect at the
18 time of the new application.

19 The Department may by rule prescribe additional subjects
20 for examination.

21 An applicant has one year from the date of notification
22 of successful completion of all the examination requirements
23 to apply to the Department for a license. If an applicant
24 fails to apply within one year, the applicant shall be
25 required to again take and pass the examination.

26 (Source: P.A. 91-133, eff. 1-1-00; revised 3-9-00.)

27 (225 ILCS 305/38) (from Ch. 111, par. 1338)

28 Sec. 38. Fund; appropriations; investments; audits.
29 Moneys deposited in the Design Professionals Administration
30 and Investigation Fund shall be appropriated to the
31 Department exclusively for expenses of the Department and the
32 Board in the administration of this Act, the Illinois
33 Professional Land Surveyor Act of 1989, the Professional

1 Engineering Practice Act of 1989, and the Structural
2 Engineering Practice Act of 1989. The expenses of the
3 Department under this Act shall be limited to the ordinary
4 and contingent expenses of the Design Professionals Dedicated
5 Employees within the Department as established under Section
6 2105-75 of the Department of Professional Regulation Law (20
7 ILCS 2105/2105-75) and other expenses related to the
8 administration and enforcement of this Act.

9 Moneys from the Fund may also be used for direct and
10 allocable indirect costs related to the public purposes of
11 the Department of Professional Regulation. Moneys in the
12 Fund may be transferred to the Professions Indirect Cost Fund
13 as authorized by Section 2105-300 of the Department of
14 Professional Regulation Law (20 ILCS 2105/2105-300).

15 All fines and penalties under Sections 22 and 36 shall be
16 deposited in the Design Professionals Administration and
17 Investigation Fund.

18 Moneys in the Design Professionals Administration and
19 Investigation Fund may be invested and reinvested, with all
20 earnings received from the investments to be deposited in the
21 Design Professionals Administration and Investigation Fund
22 and used for the same purposes as fees deposited in the Fund.

23 Upon the completion of any audit of the Department as
24 prescribed by the Illinois State Auditing Act that includes
25 an audit of the Design Professionals Administration and
26 Investigation Fund, the Department shall make the audit open
27 to inspection by any interested person. The copy of the
28 audit report required to be submitted to the Department by
29 this Section is in addition to copies of audit reports
30 required to be submitted to other State officers and agencies
31 by Section 3-14 of the Illinois State Auditing Act.

32 (Source: P.A. 91-91, eff. 1-1-00; 91-133, eff. 1-1-00;
33 91-239, eff. 1-1-00; revised 10-7-99.)

1 Section 66. The Interior Design Profession Title Act is
2 amended by changing Sections 4 and 30 as follows:

3 (225 ILCS 310/4) (from Ch. 111, par. 8204)

4 Sec. 4. (a) No individual shall, without a valid
5 registration as an interior designer issued by the
6 Department, in any manner hold himself out to the public as
7 an interior designer or attach the title "interior designer"
8 or any other name or designation which would in any way imply
9 that he is able to use the title "interior designer" as
10 defined in this Act. No individual shall, without a valid
11 registration as a residential interior designer issued by the
12 Department, in any manner hold himself out to the public as a
13 residential interior designer, or use the title "residential
14 interior designer" or any name or designation that would in
15 any way imply that he is able to use the title "residential
16 interior designer" as defined in this Act.

17 (a-5) Nothing in this Act shall be construed as
18 preventing or restricting the services offered or advertised
19 by an interior designer who is registered under this Act.

20 (b) Nothing in this Act shall prevent the employment, by
21 an interior designer or residential interior designer,
22 association, partnership, or a corporation furnishing
23 interior design or residential interior design services for
24 remuneration, of persons not registered as interior designers
25 or residential interior designers to perform services in
26 various capacities as needed, provided that the persons do
27 not represent themselves as, or use the title of, "interior
28 designer", "registered interior designer", "residential
29 interior designer" or "registered residential interior
30 designer".

31 (c) Nothing in this Act shall be construed to limit the
32 activities and use of the title "interior designer" or
33 "residential interior designer" on the part of a person not

1 registered under this Act who is a graduate of an interior
2 design program and a full-time employee of a duly chartered
3 institution of higher education insofar as such person
4 engages in public speaking, with or without remuneration,
5 provided that such person does not represent himself to be an
6 interior designer or use the title "registered interior
7 designer" or "registered residential interior designer".

8 (d) Nothing contained in this Act shall restrict any
9 person not registered under this Act from carrying out any of
10 the activities listed in the definition of "the profession of
11 interior design" in Section 3 if such person does not
12 represent himself or his services in any manner prohibited by
13 this Act.

14 (e) Nothing in this Act shall be construed as preventing
15 or restricting the practice, services, or activities of any
16 person licensed in this State under any other law from
17 engaging in the profession or occupation for which he is
18 licensed.

19 (f) Nothing in this Act shall be construed as preventing
20 or restricting the practice, services, or activities of
21 engineers licensed under the Professional Engineering
22 Practice Act of 1989 or the Structural Engineering Practice
23 Act of 1989; architects licensed pursuant to the Illinois
24 Architectural Practice Act of 1989; any interior decorator or
25 individual offering interior decorating services including,
26 but not limited to, the selection of surface materials,
27 window treatments, wall coverings, furniture, accessories,
28 paint, floor coverings, and lighting fixtures; or builders,
29 home furnishings salespersons, and similar purveyors of goods
30 and services relating to homemaking.

31 (g) Nothing in this Act or any other Act shall prevent a
32 licensed architect from practicing interior design services
33 or from using the title "interior designer" or "residential
34 interior designer". Nothing in this Act shall be construed

1 as requiring the services of an interior designer or
2 residential interior designer for the interior designing of a
3 single family residence.

4 (h) Nothing in this Act shall authorize interior
5 designers or residential interior designers to perform
6 services, including life safety services that they are
7 prohibited from performing, or any practice (i) that is
8 restricted in the Illinois Architecture Practice Act of 1989,
9 the Professional Engineering Practice Act of 1989, or the
10 Structural Engineering Practice Act of 1989, or (ii) that
11 they are not authorized to perform under the Environmental
12 Barriers Act.

13 (Source: P.A. 91-91, eff. 1-1-00; 91-357, eff. 7-29-99;
14 revised 8-27-99.)

15 (225 ILCS 310/30) (from Ch. 111, par. 8230)

16 Sec. 30. Interior Design Administration and Investigation
17 Fund. All of the fees collected pursuant to this Act shall
18 be deposited into the General Professions Dedicated Fund.

19 On January 1, 2000 the State Comptroller shall transfer
20 the balance of the monies in the Interior Design
21 Administration and Investigation Fund into the General
22 Professions Dedicated Fund. Amounts appropriated for fiscal
23 year 2000 out of the Interior Design Administration and
24 Investigation Fund may be paid out of the General Professions
25 Dedicated Fund.

26 The monies deposited in the General Professions Dedicated
27 Fund may be used for the expenses of the Department in the
28 administration of this Act.

29 Moneys from the Fund may also be used for direct and
30 allocable indirect costs related to the public purposes of
31 the Department of Professional Regulation. Moneys in the
32 Fund may be transferred to the Professions Indirect Cost Fund
33 as authorized by Section 2105-300 of the Department of

1 Professional Regulation Law (20 ILCS 2105/2105-300).

2 Upon the completion of any audit of the Department as
3 prescribed by the Illinois State Auditing Act that includes
4 an audit of the Interior Design Administration and
5 Investigation Fund, the Department shall make the audit open
6 to inspection by any interested person. The copy of the audit
7 report required to be submitted to the Department by this
8 Section is in addition to copies of audit reports required to
9 be submitted to other State officers and agencies by Section
10 3-14 of the Illinois State Auditing Act.

11 (Source: P.A. 91-239, eff. 1-1-00; 91-454, eff. 1-1-00;
12 revised 10-19-99.)

13 Section 67. The Illinois Landscape Architecture Act of
14 1989 is amended by changing Section 15 as follows:

15 (225 ILCS 315/15) (from Ch. 111, par. 8115)

16 Sec. 15. Disposition of funds. All of the fees
17 collected pursuant to this Act shall be deposited in the
18 General Professions Dedicated Fund.

19 On January 1, 2000 the State Comptroller shall transfer
20 the balance of the monies in the Landscape Architects'
21 Administration and Investigation Fund into the General
22 Professions Dedicated Fund. Amounts appropriated for fiscal
23 year 2000 out of the Landscape Architects' Administration and
24 Investigation Fund may be paid out of the General Professions
25 Dedicated Fund.

26 The monies deposited in the General Professions Dedicated
27 Fund may be used for the expenses of the Department in the
28 administration of this Act.

29 Moneys from the Fund may also be used for direct and
30 allocable indirect costs related to the public purposes of
31 the Department of Professional Regulation. Moneys in the
32 Fund may be transferred to the Professions Indirect Cost Fund

1 as authorized by Section 2105-300 of the Department of
2 Professional Regulation Law (20 ILCS 2105/2105-300).
3 (Source: P.A. 91-239, eff. 1-1-00; 91-255, eff. 12-30-99;
4 revised 11-4-99.)

5 Section 68. The Professional Engineering Practice Act of
6 1989 is amended by changing Sections 4, 23, 44, and 47 as
7 follows:

8 (225 ILCS 325/4) (from Ch. 111, par. 5204)

9 Sec. 4. Definitions. As used in this Act:

10 (a) "Approved engineering curriculum" means an
11 engineering curriculum of 4 academic years or more which
12 meets the standards established by the rules of the
13 Department.

14 (b) "Board" means the State Board of Professional
15 Engineers of the Department of Professional Regulation,
16 previously known as the Examining Committee.

17 (c) "Department" means the Department of Professional
18 Regulation.

19 (d) "Design professional" means an architect, structural
20 engineer or professional engineer practicing in conformance
21 with the Illinois Architecture Practice Act of 1989, the
22 Structural Engineering Practice Act of 1989 or the
23 Professional Engineering Practice Act of 1989.

24 (e) "Director" means the Director of Professional
25 Regulation.

26 (f) "Direct supervision/responsible charge" means work
27 prepared under the control of a licensed professional
28 engineer or that work as to which that professional engineer
29 has detailed professional knowledge.

30 (g) "Engineering college" means a school, college,
31 university, department of a university or other educational
32 institution, reputable and in good standing in accordance

1 with rules prescribed by the Department, and which grants
2 baccalaureate degrees in engineering.

3 (h) "Engineering system or facility" means a system or
4 facility whose design is based upon the application of the
5 principles of science for the purpose of modification of
6 natural states of being.

7 (i) "Engineer intern" means a person who is a candidate
8 for licensure as a professional engineer and who has been
9 enrolled as an engineer intern.

10 (j) "Enrollment" means an action by the Department to
11 record those individuals who have met the Board's
12 requirements for an engineer intern.

13 (k) "License" means an official document issued by the
14 Department to an individual, a corporation, a partnership, a
15 professional service corporation, a limited liability
16 company, or a sole proprietorship, signifying authority to
17 practice.

18 (l) "Negligence in the practice of professional
19 engineering" means the failure to exercise that degree of
20 reasonable professional skill, judgment and diligence
21 normally rendered by professional engineers in the practice
22 of professional engineering.

23 (m) "Professional engineer" means a person licensed
24 under the laws of the State of Illinois to practice
25 professional engineering.

26 (n) "Professional engineering" means the application of
27 science to the design of engineering systems and facilities
28 using the knowledge, skills, ability and professional
29 judgment developed through professional engineering
30 education, training and experience.

31 (o) "Professional engineering practice" means the
32 consultation on, conception, investigation, evaluation,
33 planning, and design of, and selection of materials and
34 methods to be used in, administration of construction

1 contracts for, or site observation of an engineering system
2 or facility, where such consultation, conception,
3 investigation, evaluation, planning, design, selection,
4 administration, or observation requires extensive knowledge
5 of engineering laws, formulae, materials, practice, and
6 construction methods. A person shall be construed to
7 practice or offer to practice professional engineering,
8 within the meaning and intent of this Act, who practices, or
9 who, by verbal claim, sign, advertisement, letterhead, card,
10 or any other way, is represented to be a professional
11 engineer, or through the use of the initials "P.E." or the
12 title "engineer" or any of its derivations or some other
13 title implies licensure as a professional engineer, or holds
14 himself out as able to perform any service which is
15 recognized as professional engineering practice.

16 Examples of the practice of professional engineering
17 include, but need not be limited to, transportation
18 facilities and publicly owned utilities for a region or
19 community, railroads, railways, highways, subways, canals,
20 harbors, river improvements; irrigation works; aircraft,
21 airports and landing fields; waterworks, piping systems and
22 appurtenances, sewers, sewage disposal works; plants for the
23 generation of power; devices for the utilization of power;
24 boilers; refrigeration plants, air conditioning systems and
25 plants; heating systems and plants; plants for the
26 transmission or distribution of power; electrical plants
27 which produce, transmit, distribute, or utilize electrical
28 energy; works for the extraction of minerals from the earth;
29 plants for the refining, alloying or treating of metals;
30 chemical works and industrial plants involving the use of
31 chemicals and chemical processes; plants for the production,
32 conversion, or utilization of nuclear, chemical, or radiant
33 energy; forensic engineering, geotechnical engineering
34 including, subsurface investigations; soil classification,

1 geology and geohydrology, incidental to the practice of
2 professional engineering; energy analysis, environmental
3 design, hazardous waste mitigation and control; recognition,
4 measurement, evaluation and control of environmental systems
5 and emissions; automated building management systems; or the
6 provision of professional engineering site observation of the
7 construction of works and engineering systems. Nothing
8 contained in this Section imposes upon a person licensed
9 under this Act the responsibility for the performance of any
10 of the foregoing functions unless such person specifically
11 contracts to provide it.

12 (p) "Project representative" means the professional
13 engineer's representative at the project site who assists in
14 the administration of the construction contract.

15 (q) "Registered" means the same as "licensed" for
16 purposes of this Act.

17 (r) "Related science curriculum" means a 4 year program
18 of study, the satisfactory completion of which results in a
19 Bachelor of Science degree, and which contains courses from
20 such areas as life, earth, engineering and computer sciences,
21 including but not limited to, physics and chemistry. In the
22 study of these sciences, the objective is to acquire
23 fundamental knowledge about the nature of its phenomena,
24 including quantitative expression, appropriate to particular
25 fields of engineering.

26 (s) "Rules" means those rules promulgated pursuant to
27 this Act.

28 (t) "Seal" means the seal in compliance with Section 14
29 of this Act.

30 (u) "Site observation" is visitation of the construction
31 site for the purpose of reviewing, as available, the quality
32 and conformance of the work to the technical submissions as
33 they relate to design.

34 (v) "Support design professional" means a professional

1 engineer practicing in conformance with the Professional
2 Engineering Practice Act of 1989, who provides services to
3 the design professional who has contract responsibility.

4 (w) "Technical submissions" means designs, drawings, and
5 specifications which establish the standard of quality for
6 materials, workmanship, equipment, and the construction
7 systems, studies, and other technical reports prepared in the
8 course of a design professional's practice.

9 (Source: P.A. 91-91, eff. 1-1-00; 91-92, eff. 1-1-00; revised
10 10-7-99.)

11 (225 ILCS 325/23) (from Ch. 111, par. 5223)

12 Sec. 23. Professional design firm registration.

13 (a) Nothing in this Act shall prohibit the formation,
14 under the provisions of the Professional Service Corporation
15 Act, as amended, of a corporation to practice professional
16 engineering.

17 Any business, including a Professional Service
18 Corporation, that includes within its stated purposes or
19 practices, or holds itself out as available to practice,
20 professional engineering shall be registered with the
21 Department pursuant to the provisions set forth in this
22 Section.

23 Any sole proprietorship not owned and operated by an
24 Illinois licensed design professional licensed under this Act
25 shall be prohibited from offering professional engineering
26 services to the public. Any sole proprietorship owned and
27 operated by a professional engineer with an active license
28 issued under this Act and conducting or transacting such
29 business under an assumed name in accordance with the
30 provisions of the Assumed Business Name Act shall comply with
31 the registration requirements of a professional design firm.
32 Any sole proprietorship owned and operated by a professional
33 engineer with an active license issued under this Act and

1 conducting or transacting such business under the real name
2 of the sole proprietor is exempt from the registration
3 requirements of a professional design firm. "Illinois
4 licensed design professional" means a person who holds an
5 active license as a professional engineer under this Act, as
6 an architect under the Illinois Architecture Practice Act of
7 1989, or as a structural engineer under the Structural
8 Engineering Practice Act of 1989.

9 (b) Any professional design firm seeking to be
10 registered pursuant to the provisions of this Section shall
11 not be registered unless one or more managing agents in
12 charge of professional engineering activities in this State
13 are designated by the professional design firm. Each
14 managing agent must at all times maintain a valid, active
15 license to practice professional engineering in Illinois.

16 No individual whose license to practice professional
17 engineering in this State is currently in a suspended or
18 revoked status shall act as a managing agent for a
19 professional design firm.

20 (c) Any business seeking to be registered under this
21 Section shall make application on a form provided by the
22 Department and shall provide such information as requested by
23 the Department, which shall include, but not be limited to:

24 (1) the name and license number of the person
25 designated as the managing agent in responsible charge of
26 the practice of professional engineering in Illinois. In
27 the case of a corporation, the corporation shall also
28 submit a certified copy of the resolution by the board of
29 directors designating the managing agent. In the case of
30 a limited liability company, the company shall submit a
31 certified copy of either its articles of organization or
32 operating agreement designating the managing agent;

33 (2) the names and license numbers of the directors,
34 in the case of a corporation, the members, in the case of

1 a limited liability company, or general partners, in the
2 case of a partnership;

3 (3) a list of all office locations at which the
4 professional design firm provides professional
5 engineering services to the public; and

6 (4) a list of all assumed names of the business.
7 Nothing in this Section shall be construed to exempt a
8 professional design firm, sole proprietorship, or
9 professional service corporation from compliance with the
10 requirements of the Assumed Business Name Act.

11 It is the responsibility of the professional design firm
12 to provide the Department notice, in writing, of any changes
13 in the information requested on the application.

14 (d) The Department shall issue to each business a
15 certificate of registration to practice professional
16 engineering or offer the services of its licensees in this
17 State upon submittal of a proper application for registration
18 and payment of fees. The expiration date and renewal period
19 for each registration and renewal procedures shall be
20 established by rule.

21 (e) In the event a managing agent is terminated or
22 terminates his or her status as managing agent of the
23 professional design firm, the managing agent and professional
24 design firm shall notify the Department of this fact in
25 writing, by certified mail, within 10 business days of such
26 termination. Thereafter, the professional design firm, if it
27 has so informed the Department, shall have 30 days in which
28 to notify the Department of the name and license number of a
29 newly designated managing agent. If a corporation, the
30 corporation shall also submit a certified copy of a
31 resolution by the board of directors designating the new
32 managing agent. If a limited liability company, the company
33 shall also submit a certified copy of either its articles of
34 organization or operating agreement designating the new

1 managing agent. The Department may, upon good cause shown,
2 extend the original 30 day period.

3 If the professional design firm has not notified the
4 Department in writing, by certified mail within the specified
5 time, the registration shall be terminated without prior
6 hearing. Notification of termination shall be sent by
7 certified mail to the last known address of the business. If
8 the professional design firm continues to operate and offer
9 professional engineering services after the termination, the
10 Department may seek prosecution under Sections 24, 39, and 40
11 of this Act for the unlicensed practice of professional
12 engineering.

13 (f) No professional design firm shall be relieved of
14 responsibility for the conduct or acts of its agent,
15 employees, members, managers, or officers by reason of its
16 compliance with this Section, nor shall any individual
17 practicing professional engineering be relieved of the
18 responsibility for professional services performed by reason
19 of the individual's employment or relationship with a
20 professional design firm registered under this Section.

21 (g) Disciplinary action against a professional design
22 firm registered under this Section shall be administered in
23 the same manner and on the same grounds as disciplinary
24 action against a licensed professional engineer. All
25 disciplinary action taken or pending against a corporation or
26 partnership before the effective date of this amendatory Act
27 of 1993 shall be continued or remain in effect without the
28 Department filing separate actions.

29 (Source: P.A. 91-91, eff. 1-1-00; 91-92, eff. 1-1-00; revised
30 10-7-99.)

31 (225 ILCS 325/44) (from Ch. 111, par. 5244)

32 Sec. 44. Fund; appropriations; investments; audits.
33 Moneys deposited in the Design Professionals Administration

1 and Investigation Fund shall be appropriated to the
2 Department exclusively for expenses of the Department and the
3 Board in the administration of this Act, the Illinois
4 Professional Land Surveyor Act of 1989, the Illinois
5 Architecture Practice Act, and the Structural Engineering
6 Practice Act of 1989. The expenses of the Department under
7 this Act shall be limited to the ordinary and contingent
8 expenses of the Design Professionals Dedicated Employees
9 within the Department as established under Section 2105-75 of
10 the Department of Professional Regulation Law (20 ILCS
11 2105/2105-75) and other expenses related to the
12 administration and enforcement of this Act.

13 Moneys from the Fund may also be used for direct and
14 allocable indirect costs related to the public purposes of
15 the Department of Professional Regulation. Moneys in the
16 Fund may be transferred to the Professions Indirect Cost Fund
17 as authorized by Section 2105-300 of the Department of
18 Professional Regulation Law (20 ILCS 2105/2105-300).

19 Moneys in the Design Professionals Administration and
20 Investigation Fund may be invested and reinvested with all
21 earnings received from the investments to be deposited in the
22 Design Professionals Administration and Investigation Fund
23 and used for the same purposes as fees deposited in the Fund.

24 All fines and penalties under Section 24, Section 39,
25 Section 42, and Section 43 shall be deposited in the Design
26 Professionals Administration and Investigation Fund.

27 Upon the completion of any audit of the Department as
28 prescribed by the Illinois State Auditing Act that audit
29 includes an audit of the Design Professionals Administration
30 and Investigation Fund, the Department shall make the audit
31 report open to inspection by any interested person. The copy
32 of the audit report required to be submitted to the
33 Department by this Section is in addition to copies of audit
34 reports required to be submitted to other State officers and

1 agencies by Section 3-14 of the Illinois State Auditing Act.
 2 (Source: P.A. 91-91, eff. 1-1-00; 91-92, eff. 1-1-00; 91-239,
 3 eff. 1-1-00; revised 10-7-99.)

4 (225 ILCS 325/47) (from Ch. 111, par. 5247)

5 Sec. 47. Practice of structural engineering or
 6 architecture.

7 (a) No professional engineer may shall practice either
 8 structural engineering as defined in the Structural
 9 Engineering Practice Act of 1989 ~~or architecture as defined~~
 10 ~~in the Illinois Architecture Practice Act of 1989~~ unless he
 11 or she is licensed under pursuant to the provisions of that
 12 Act. ~~either the Structural Engineering Licensing Act of 1989~~
 13 ~~or the Illinois Architecture Practice Act, respectively.~~

14 (b) No professional engineer may practice architecture
 15 as defined in the Illinois Architecture Practice Act of 1989
 16 unless he or she is licensed under the provisions of that
 17 Act.

18 (Source: P.A. 91-91, eff. 1-1-00; revised 2-23-00.)

19 Section 69. The Illinois Professional Land Surveyor Act
 20 of 1989 is amended by changing Sections 4 and 48 as follows:

21 (225 ILCS 330/4) (from Ch. 111, par. 3254)

22 Sec. 4. Definitions. As used in this Act:

23 (a) "Department" means the Department of Professional
 24 Regulation.

25 (b) "Director" means the Director of Professional
 26 Regulation.

27 (c) "Board" means the Land Surveyors Licensing Board.

28 (d) "Direct supervision and control" means the personal
 29 review by a Licensed Professional Land Surveyor of each
 30 survey, including, but not limited to, procurement, research,
 31 field work, calculations, preparation of legal descriptions

1 and plats. The personal review shall be of such a nature as
2 to assure the client that the Professional Land Surveyor or
3 the firm for which the Professional Land Surveyor is employed
4 is the provider of the surveying services.

5 (e) "Responsible charge" means an individual responsible
6 for the various components of the land survey operations
7 subject to the overall supervision and control of the
8 Professional Land Surveyor.

9 (f) "Design professional" means a land surveyor,
10 architect, structural engineer, or professional engineer
11 practicing in conformance with this Act, the Illinois
12 Architecture Practice Act of 1989, the Structural Engineering
13 Practice Act of 1989, or the Professional Engineering
14 Practice Act of 1989.

15 (g) "Professional Land Surveyor" means any person
16 licensed under the laws of the State of Illinois to practice
17 land surveying, as defined by this Act or its rules.

18 (h) "Land Surveyor-in-Training" means any person
19 licensed under the laws of the State of Illinois who has
20 qualified for, taken, and passed an examination in the
21 fundamental land surveyor-in-training subjects as provided by
22 this Act or its rules.

23 (i) "Land surveying experience" means those activities
24 enumerated in Section 5 of this Act, which, when exercised in
25 combination, to the satisfaction of the Board, is proof of an
26 applicant's broad range of training in and exposure to the
27 prevailing practice of land surveying.

28 (Source: P.A. 91-91, eff. 1-1-00; 91-132, eff. 1-1-00;
29 revised 10-7-99.)

30 (225 ILCS 330/48) (from Ch. 111, par. 3298)

31 Sec. 48. Fund, appropriations, investments and audits.
32 The moneys deposited in the Design Professionals
33 Administration and Investigation Fund from fines and fees

1 under this Act shall be appropriated to the Department
2 exclusively for expenses of the Department and the Board in
3 the administration of this Act, the Illinois Architecture
4 Practice Act, the Professional Engineering Practice Act of
5 1989, and the Structural Engineering Practice Act of 1989.
6 The expenses of the Department under this Act shall be
7 limited to the ordinary and contingent expenses of the Design
8 Professionals Dedicated Employees within the Department as
9 established under Section 2105-75 of the Department of
10 Professional Regulation Law (20 ILCS 2105/2105-75) and other
11 expenses related to the administration and enforcement of
12 this Act.

13 Moneys from the Fund may also be used for direct and
14 allocable indirect costs related to the public purposes of
15 the Department of Professional Regulation. Moneys in the
16 Fund may be transferred to the Professions Indirect Cost Fund
17 as authorized by Section 2105-300 of the Department of
18 Professional Regulation Law (20 ILCS 2105/2105-300).

19 Moneys in the Design Professionals Administration and
20 Investigation Fund may be invested and reinvested with all
21 earnings received from the investments to be deposited in the
22 Design Professionals Administration and Investigation Fund
23 and used for the same purposes as fees deposited in that
24 Fund.

25 Upon the completion of any audit of the Department as
26 prescribed by the Illinois State Auditing Act that includes
27 an audit of the Design Professionals Administration and
28 Investigation Fund, the Department shall make the audit open
29 to inspection by any interested person. The copy of the
30 audit report required to be submitted to the Department by
31 this Section is in addition to copies of audit reports
32 required to be submitted to other State officers and agencies
33 by Section 3-14 of the Illinois State Auditing Act.

34 (Source: P.A. 91-91, eff. 1-1-00; 91-239, eff. 1-1-00;

1 revised 10-7-99.)

2 Section 69.5. The Auction License Act is amended by
3 changing Section 5-10 as follows:

4 (225 ILCS 407/5-10)

5 Sec. 5-10. Definitions. As used in this Act:

6 "Advertisement" means any written, oral, or electronic
7 communication that contains a promotion, inducement, or offer
8 to conduct an auction or offer to provide an auction service,
9 including but not limited to brochures, pamphlets, radio and
10 television scripts, telephone and direct mail solicitations,
11 electronic media, and other means of promotion.

12 "Advisory Board" means the Auctioneer Advisory Board.

13 "Associate auctioneer" means a person who conducts an
14 auction, but who is under the direct supervision of, and is
15 sponsored by, a licensed auctioneer or auction firm.

16 "Auction" means the sale or lease of property, real or
17 personal, by means of exchanges between an auctioneer or
18 associate auctioneer and prospective purchasers or lessees,
19 which consists of a series of invitations for offers made by
20 the auctioneer or associate auctioneer and offers by
21 prospective purchasers or lessees for the purpose of
22 obtaining an acceptable offer for the sale or lease of the
23 property, including the sale or lease of property via mail,
24 telecommunications, or the Internet.

25 "Auction contract" means a written agreement between an
26 auctioneer, associate auctioneer, or an auction firm and a
27 seller or sellers.

28 "Auction firm" means any corporation, partnership, or
29 limited liability company that acts as an auctioneer and
30 provides an auction service.

31 "Auction school" means any educational institution,
32 public or private, which offers a curriculum of auctioneer

1 education and training approved by the Office of Banks and
2 Real Estate.

3 "Auction service" means the service of arranging,
4 managing, advertising, or conducting auctions.

5 "Auctioneer" means a person or entity who, for another,
6 for a fee, compensation, commission, or any other valuable
7 consideration at auction or with the intention or expectation
8 of receiving valuable consideration by the means of or
9 process of an auction or sale at auction or providing an
10 auction service, offers, negotiates, or attempts to negotiate
11 an auction contract, sale, purchase, or exchange of goods,
12 chattels, merchandise, personal property, real property, or
13 any commodity that may be lawfully kept or offered for sale
14 by or at auction.

15 "Commissioner" means the Commissioner of the Office of
16 Banks and Real Estate or his or her designee.

17 "Director" means the Director of Auction Regulation.

18 "Goods" means chattels, movable goods, merchandise, or
19 personal property or commodities of any form or type that may
20 be lawfully kept or offered for sale.

21 "Licensee" means any person licensed under this Act.

22 "Managing auctioneer" means any person licensed as an
23 auctioneer who manages and supervises licensees sponsored by
24 an auction firm or auctioneer.

25 "OBRE" means the Office of Banks and Real Estate.

26 "Person" means an individual, association, partnership,
27 corporation, or limited liability company or the officers,
28 directors, or employees of the same.

29 "Pre-renewal period" means the 24 months prior to the
30 expiration date of a license issued under this Act.

31 "Sponsoring auctioneer" means the auctioneer or auction
32 firm who has issued a sponsor card to a licensed associate
33 auctioneer or auctioneer.

34 "Sponsor card" means ~~shall--mean~~ the temporary permit

1 issued by the sponsoring auctioneer certifying that the
2 licensee named thereon is employed by or associated with the
3 sponsoring auctioneer and the sponsoring auctioneer shall be
4 responsible for the actions of the sponsored licensee.

5 (Source: P.A. 91-603, eff. 1-1-00; revised 3-20-00.)

6 Section 70. The Private Detective, Private Alarm,
7 Private Security, and Locksmith Act of 1993 is amended by
8 changing Section 30 as follows:

9 (225 ILCS 446/30)

10 Sec. 30. Exemptions.

11 (a) This Act does not apply to:

12 (1) An officer or employee of the United States,
13 this State, or any political subdivision of either while
14 the officer or employee is engaged in the performance of
15 his or her official duties within the course and scope of
16 his or her employment with the United States, this State,
17 or any political subdivision of either. However, any
18 person who offers his or her services as a private
19 detective or private security contractor, or any title
20 when similar services are performed for compensation,
21 fee, or other valuable consideration, whether received
22 directly or indirectly, is subject to this Act and its
23 licensing requirements.

24 (2) An attorney-at-law licensed to practice in
25 Illinois while engaging in the practice of law.

26 (3) A person engaged exclusively in the business of
27 obtaining and furnishing information as to the financial
28 rating or credit worthiness of persons; and a person who
29 provides consumer reports in connection with:

30 (i) Credit transactions involving the consumer
31 on whom the information is to be furnished and
32 involving the extensions of credit to the consumer.

1 (ii) Information for employment purposes.

2 (iii) Information for the underwriting of
3 insurance involving the consumer.

4 (4) Insurance adjusters legally employed or under
5 contract as adjusters and who engage in no other
6 investigative activities other than those directly
7 connected with adjustment of claims against an insurance
8 company or self-insured by which they are employed or
9 with which they have a contract. No insurance adjuster
10 or company may utilize the term "investigation" or any
11 derivative thereof in its company name or in its
12 advertising other than for the handling of insurance
13 claims.

14 For the purposes of this Code, "insurance adjuster"
15 includes any person expressly authorized to act on behalf
16 of an insurance company or self-insured and any employee
17 thereof who acts or appears to act on behalf of the
18 insurance company or self-insured in matters relating to
19 claims, including but not limited to independent
20 contractors while performing claim services at the
21 direction of the company.

22 (5) A person engaged exclusively and employed by a
23 person, firm, association, or corporation in the business
24 of transporting persons or property in interstate
25 commerce and making an investigation related to the
26 business of that employer.

27 (6) Any person, watchman, or guard employed
28 exclusively and regularly by one employer in connection
29 with the affairs of that employer only and there exists
30 an employer/employee relationship.

31 (7) Any law enforcement officer, as defined in the
32 Illinois Police Training Act, who has successfully
33 completed the requirements of basic law enforcement and
34 firearms training as prescribed by the Illinois Law

1 Enforcement Training Standards Board, employed by an
2 employer in connection with the affairs of that employer,
3 provided he or she is exclusively employed by the
4 employer during the hours or times he or she is scheduled
5 to work for that employer, and there exists an employer
6 and employee relationship.

7 In this subsection an "employee" is a person who is
8 employed by an employer who has the right to control and
9 direct the employee who performs the services in
10 question, not only as to the result to be accomplished by
11 the work, but also as to the details and means by which
12 the result is to be accomplished; and an "employer" is
13 any person or entity, with the exception of a private
14 detective, private detective agency, private security
15 contractor, private security contractor agency, private
16 alarm contractor, or private alarm contractor agency,
17 whose purpose it is to hire persons to perform the
18 business of a private detective, private detective
19 agency, private security contractor, private security
20 contractor agency, private alarm contractor, or private
21 alarm contractor agency.

22 (8) A person who sells burglar alarm systems and
23 does not install, monitor, maintain, alter, repair,
24 service, or respond to burglar alarm systems at protected
25 premises or premises to be protected, provided:

26 (i) The burglar alarm systems are
27 approved either by Underwriters Laboratories or
28 another authoritative source recognized by the
29 Department and are identified by a federally
30 registered trademark.

31 (ii) The owner of the trademark has
32 expressly authorized the person to sell the
33 trademark owner's products, and the person
34 provides proof of this authorization upon the

1 request of the Department.

2 (iii) The owner of the trademark
3 maintains, and provides upon the Department's
4 request, a certificate evidencing insurance for
5 bodily injury or property damage arising from
6 faulty or defective products in an amount not
7 less than \$1,000,000 combined single limit;
8 provided that the policy of insurance need not
9 relate exclusively to burglar alarm systems.

10 (9) A person who sells, installs, maintains, or
11 repairs automobile alarm systems.

12 (9-5) A person, firm, or corporation engaged solely
13 and exclusively in tracing and compiling lineage or
14 ancestry.

15 (10) A person employed as either an armed or
16 unarmed security guard at a nuclear energy, storage,
17 weapons or development site or facility regulated by the
18 Nuclear Regulatory Commission who has completed the
19 background screening and training mandated by the rules
20 and regulations of the Nuclear Regulatory Commission.

21 (b) Nothing in this Act prohibits any of the following:

22 (A) Servicing, installing, repairing, or rebuilding
23 automotive locks by automotive service dealers, as long
24 as they do not hold themselves out to the public as
25 locksmiths.

26 (B) Police, fire, or other municipal employees from
27 opening a lock in an emergency situation, as long as they
28 do not hold themselves out to the public as locksmiths.

29 (C) Any merchant or retail or hardware store from
30 duplicating keys, from installing, servicing, repairing,
31 rebuilding, reprogramming, or maintaining electronic
32 garage door devices or from selling locks or similar
33 security accessories not prohibited from sale by the
34 State of Illinois, as long as they do not hold themselves

1 out to the public as locksmiths.

2 (D) The installation or removal of complete locks
3 or locking devices by members of the building trades when
4 doing so in the course of residential or commercial new
5 construction or remodeling, as long as they do not hold
6 themselves out to the public as locksmiths.

7 (E) The employees of towing services, reposseors,
8 or auto clubs from opening automotive locks in the normal
9 course of their duties, as long as they do not hold
10 themselves out to the public as locksmiths. Additionally,
11 this Act shall not prohibit employees of towing services
12 from opening motor vehicle locks to enable a vehicle to
13 be moved without towing, provided that the towing service
14 does not hold itself out to the public, by yellow page
15 advertisement, through a sign at the facilities of the
16 towing service, or by any other advertisement, as a
17 locksmith.

18 (F) The practice of locksmithing by students in the
19 course of study in programs approved by the Department,
20 provided that the students do not hold themselves out to
21 the public as locksmiths.

22 (G) Servicing, installing, repairing, or rebuilding
23 locks by a lock manufacturer or anyone employed by a lock
24 manufacturer, as long as they do not hold themselves out
25 to the public as locksmiths.

26 (H) The provision of any of the products or
27 services in the practice of locksmithing as identified in
28 Section 5 of this Act by a business licensed by the State
29 of Illinois as a private alarm contractor or private
30 alarm contractor agency, as long as the principal purpose
31 of the services provided to a customer is not the
32 practice of locksmithing and the business does not hold
33 itself out to the public as a locksmith agency.

34 (I) Any maintenance employee of a property

1 management company at a multi-family residential building
2 from servicing, installing, repairing, or opening locks
3 for tenants as long as the maintenance employee does not
4 hold himself or herself out to the public as a locksmith.

5 (J) A person, firm, or corporation from engaging in
6 fire protection engineering, including the design,
7 testing, and inspection of fire protection systems.

8 (K) The practice of professional engineering as
9 defined in the Professional Engineering Practice Act of
10 1989.

11 (L) The practice of structural engineering as
12 defined in the Structural Engineering Practice Act of
13 1989.

14 (M) The practice of architecture as defined in the
15 Illinois Architecture Practice Act of 1989.

16 (N) The activities of persons or firms licensed
17 under the Illinois Public Accounting Act if performed in
18 the course of their professional practice.

19 (c) This Act does not prohibit any persons legally
20 regulated in this State under any other Act from engaging in
21 the practice for which they are licensed, provided that they
22 do not represent themselves by any title prohibited by this
23 Act.

24 (Source: P.A. 90-436, eff. 1-1-98; 90-633, eff. 7-24-98;
25 91-91, eff. 1-1-00; 91-287, eff. 1-1-00; revised 10-7-99.)

26 Section 71. The Real Estate License Act of 2000 is
27 amended by changing Sections 5-20 and 15-20 as follows:

28 (225 ILCS 454/5-20)

29 Sec. 5-20. Exemptions from broker, salesperson, or
30 leasing agent license requirement. The requirement for
31 holding a license under this Article 5 shall not apply to:

32 (1) Any person, partnership, or corporation that as

1 owner or lessor performs any of the acts described in the
2 definition of "broker" under Section 1-10 of this Act with
3 reference to property owned or leased by it, or to the
4 regular employees thereof with respect to the property so
5 owned or leased, where such acts are performed in the regular
6 course of or as an incident to the management, sale, or other
7 disposition of such property and the investment therein,
8 provided that such regular employees do not perform any of
9 the acts described in the definition of "broker" under
10 Section 1-10 of this Act in connection with a vocation of
11 selling or leasing any real estate or the improvements
12 thereon not so owned or leased.

13 (2) An attorney in fact acting under a duly executed and
14 recorded power of attorney to convey real estate from the
15 owner or lessor or the services rendered by an attorney at
16 law in the performance of the attorney's duty as an attorney
17 at law.

18 (3) Any person acting as receiver, trustee in
19 bankruptcy, administrator, executor, or guardian or while
20 acting under a court order or under the authority of a will
21 or testamentary trust.

22 (4) Any person acting as a resident manager for the
23 owner or any employee acting as the resident manager for a
24 broker managing an apartment building, duplex, or apartment
25 complex, when the resident manager resides on the premises,
26 the premises is his or her primary residence, and the
27 resident manager is engaged in the leasing of the property of
28 which he or she is the resident manager.

29 (5) Any officer or employee of a federal agency in the
30 conduct of official duties.

31 (6) Any officer or employee of the State government or
32 any political subdivision thereof performing official duties.

33 (7) Any multiple listing service or other information
34 exchange that is engaged in the collection and dissemination

1 of information concerning real estate available for sale,
2 purchase, lease, or exchange along with which no other
3 licensed activities are provided.

4 (8) Railroads and other public utilities regulated by
5 the State of Illinois, or the officers or full time employees
6 thereof, unless the performance of any licensed activities is
7 in connection with the sale, purchase, lease, or other
8 disposition of real estate or investment therein not needing
9 the approval of the appropriate State regulatory authority.

10 (9) Any medium of advertising in the routine course of
11 selling or publishing advertising along with which no other
12 licensed activities are provided.

13 (10) Any resident lessee of a residential dwelling unit
14 who refers for compensation to the owner of the dwelling
15 unit, or to the owner's agent, prospective lessees of
16 dwelling units in the same building or complex as the
17 resident lessee's unit, but only if the resident lessee (i)
18 refers no more than 3 prospective lessees in any 12-month
19 period, (ii) receives compensation of no more than \$1,000 or
20 the equivalent of one month's rent, whichever is less, in any
21 12-month period, and (iii) limits his or her activities to
22 referring prospective lessees to the owner, or the owner's
23 agent, and does not show a residential dwelling unit to a
24 prospective lessee, discuss terms or conditions of leasing a
25 dwelling unit with a prospective lessee, or otherwise
26 participate in the negotiation of the leasing of a dwelling
27 unit.

28 (11) An exchange company registered under the Real
29 Estate Timeshare Act of 1999 and the regular employees of
30 that registered exchange company but only when conducting an
31 exchange program as defined in that Act.

32 (12) An existing timeshare owner who, for compensation,
33 refers prospective purchasers, but only if the existing
34 timeshare owner (i) refers no more than 20 prospective

1 purchasers in any calendar year, (ii) receives no more than
 2 \$1,000, or its equivalent, for referrals in any calendar year
 3 and (iii) limits his or her activities to referring
 4 prospective purchasers of timeshare interests to the
 5 developer or the developer's employees or agents, and does
 6 not show, discuss terms or conditions of purchase or
 7 otherwise participate in negotiations with regard to
 8 timeshare interests.

9 (13) ~~(11)~~ Any person who is licensed without examination
 10 under Section 10-25 of the Auction License Act is exempt from
 11 holding a broker's or salesperson's license under this Act
 12 for the limited purpose of selling or leasing real estate at
 13 auction, so long as:

14 (A) that person has made application for said
 15 exemption by July 1, 2000;

16 (B) that person verifies to OBRE that he or
 17 she has sold real estate at auction for a period of
 18 5 years prior to licensure as an auctioneer;

19 (C) the person has had no lapse in his or her
 20 license as an auctioneer; and

21 (D) the license issued under the Auction
 22 License Act has not been disciplined for violation
 23 of those provisions of Article 20 of the Auction
 24 License Act dealing with or related to the sale or
 25 lease of real estate at auction.

26 (Source: P.A. 91-245, eff. 12-31-99; 91-585, eff. 1-1-00;
 27 91-603, eff. 1-1-00; revised 10-27-99.)

28 (225 ILCS 454/15-20)

29 Sec. 15-20. Failure to disclose information not
 30 affecting physical condition. No cause of action shall arise
 31 against a licensee for the failure to disclose: (i) that an
 32 occupant of the property was afflicted with Human
 33 Immunodeficiency Virus (HIV) or any other medical condition;

1 (ii) that the property was the site of an act or occurrence
 2 that had no effect on the physical condition of the property
 3 or its environment or the structures located thereon; (iii)
 4 fact situations on property that is not the subject of the
 5 transaction; or (iv) physical conditions located on property
 6 that is not the subject of the transaction that do not have a
 7 substantial adverse effect on the value of the real estate
 8 that is the subject of the transaction.

9 (Source: P.A. 91-245, eff. 12-31-99; revised 8-11-99.)

10 Section 72. The Meat and Poultry Inspection Act is
 11 amended by changing Section 5 as follows:

12 (225 ILCS 650/5) (from Ch. 56 1/2, par. 305)

13 Sec. 5. Exemptions - Producers, Retailers, and Poultry
 14 Raisers.

15 The following types of establishments are exempt from the
 16 specific provisions of this Act:

17 (A) A "producer" means any person engaged in producing
 18 agricultural products, for personal or family use, on whose
 19 farm the number of animals or poultry is in keeping with the
 20 size of the farm or with the volume or character of the
 21 agricultural products produced thereon, but does not mean any
 22 person engaged in producing agricultural products who:

23 1. actively engages in buying or trading animals or
 24 poultry or both; or

25 2. actively engages directly or indirectly in
 26 conducting a business which includes the slaughter of
 27 animals or poultry or both, for human food purposes; or

28 3. actively engages, directly or indirectly, in
 29 canning, curing, pickling, freezing, salting meat or
 30 poultry, or in preparing meat or poultry products for
 31 sale; or

32 4. slaughters or permits any person to slaughter on

1 his or their farm animals or poultry not owned by the
2 producer for more than 30 days.

3 (A-5) Retail dealers or retail butchers with respect to
4 meat or poultry products sold directly to consumers in retail
5 stores; provided, that the only processing operation
6 performed by such retail dealers or retail butchers is the
7 cutting up of meat or poultry products which have been
8 inspected under the provisions of this Act and is incidental
9 to the operation of the retail food store.

10 (B) Poultry raisers with respect to poultry raised on
11 their own farms or premises (a) if such raisers slaughter,
12 eviscerate, or further process not more than 5,000 poultry
13 during the calendar year for which this exemption is being
14 granted; (b) such poultry raisers do not engage in buying or
15 selling poultry products other than those produced from
16 poultry raised on their own farms or premises; (c) such
17 poultry or poultry products are slaughtered, otherwise
18 prepared, sold or delivered to the consumer on or from the
19 premises for which the exemption is given; (d) such slaughter
20 or preparation shall be performed in sanitary facilities, in
21 a sanitary manner, and subject to periodic inspection by
22 Department personnel; (e) persons desiring such exemptions
23 shall submit in writing a request to the Department. The
24 exemption shall be effective upon written notice from the
25 Department and shall remain in effect for a period of 2
26 years, unless revoked. Adequate records must be maintained
27 to assure that not more than the number of exempted poultry
28 are slaughtered or processed in one calendar year. Such
29 records shall be kept for one year following the termination
30 of each exemption. Any advertisement regarding the exempt
31 poultry or poultry products shall reflect the fact of
32 exemption so as not to mislead the consumer to presume
33 official inspection has been made under The Meat and Poultry
34 Inspection Act.

1 (Source: P.A. 91-170, eff. 1-1-00; 91-614, eff. 1-1-00;
2 revised 10-12-99.)

3 Section 73. The Illinois Horse Racing Act of 1975 is
4 amended by changing Sections 12.1 and 28 as follows:

5 (230 ILCS 5/12.1) (from Ch. 8, par. 37-12.1)

6 Sec. 12.1. (a) The General Assembly finds that the
7 Illinois Racing Industry does not include a fair proportion
8 of minority or female workers.

9 Therefore, the General Assembly urges that the job
10 training institutes, trade associations and employers
11 involved in the Illinois Horse Racing Industry take
12 affirmative action to encourage equal employment opportunity
13 to all workers regardless of race, color, creed or sex.

14 Before an organization license, inter-track wagering
15 license or inter-track wagering location license can be
16 granted, the applicant for any such license shall execute and
17 file with the Board a good faith affirmative action plan to
18 recruit, train and upgrade minorities and females in all
19 classifications with the applicant for license. One year
20 after issuance of any such license, and each year thereafter,
21 the licensee shall file a report with the Board evidencing
22 and certifying compliance with the originally filed
23 affirmative action plan.

24 (b) At least 10% of the total amount of all State
25 contracts for the infrastructure improvement of any race
26 track grounds in this State shall be let to minority owned
27 businesses or female owned businesses. "State contract",
28 "minority owned business" and "female owned business" shall
29 have the meanings ascribed to them under the Minority--and
30 Female Business Enterprise for Minorities, Females, and
31 Persons with Disabilities Act.

32 (Source: P.A. 89-16, eff. 5-30-95; revised 8-23-99.)

1 (230 ILCS 5/28) (from Ch. 8, par. 37-28)
2 Sec. 28. Except as provided in subsection (g) of Section
3 27 of this Act, moneys collected shall be distributed
4 according to the provisions of this Section 28.

5 (a) Thirty per cent of the total of all monies received
6 by the State as privilege taxes shall be paid into the
7 Metropolitan Fair and Exposition Authority Reconstruction
8 Fund in the State treasury until such Fund contains
9 sufficient money to pay in full, both principal and interest,
10 all of the outstanding bonds issued pursuant to the Fair and
11 Exposition Authority Reconstruction Act, approved July 31,
12 1967, as amended, and thereafter shall be paid into the
13 Metropolitan Exposition Auditorium and Office Building Fund
14 in the State Treasury.

15 (b) Four and one-half per cent of the total of all
16 monies received by the State as privilege taxes shall be paid
17 into the State treasury into a special Fund to be known as
18 the "Metropolitan Exposition, Auditorium, and Office Building
19 Fund".

20 (c) Fifty per cent of the total of all monies received
21 by the State as privilege taxes under the provisions of this
22 Act shall be paid into the "Agricultural Premium Fund".

23 (d) Seven per cent of the total of all monies received
24 by the State as privilege taxes shall be paid into the Fair
25 and Exposition Fund in the State treasury; provided, however,
26 that when all bonds issued prior to July 1, 1984 by the
27 Metropolitan Fair and Exposition Authority shall have been
28 paid or payment shall have been provided for upon a refunding
29 of those bonds, thereafter 1/12 of \$1,665,662 of such monies
30 shall be paid each month into the Build Illinois Fund, and
31 the remainder into the Fair and Exposition Fund. All excess
32 monies shall be allocated to the Department of Agriculture
33 for distribution to county fairs for premiums and
34 rehabilitation as set forth in the Agricultural Fair Act.

1 (e) The monies provided for in Section 30 shall be paid
2 into the Illinois Thoroughbred Breeders Fund.

3 (f) The monies provided for in Section 31 shall be paid
4 into the Illinois Standardbred Breeders Fund.

5 (g) Until January 1, 2000, that part representing 1/2 of
6 the total breakage in Thoroughbred, Harness, Appaloosa,
7 Arabian, and Quarter Horse racing in the State shall be paid
8 into the "Illinois Race Track Improvement Fund" as
9 established in Section 32.

10 (h) All other monies received by the Board under this
11 Act shall be paid into the General Revenue Fund of the State.

12 (i) The salaries of the Board members, secretary,
13 stewards, directors of mutuels, veterinarians,
14 representatives, accountants, clerks, stenographers,
15 inspectors and other employees of the Board, and all expenses
16 of the Board incident to the administration of this Act,
17 including, but not limited to, all expenses and salaries
18 incident to the taking of saliva and urine samples in
19 accordance with the rules and regulations of the Board shall
20 be paid out of the Agricultural Premium Fund.

21 (j) The Agricultural Premium Fund shall also be used:

22 (1) for the expenses of operating the Illinois
23 State Fair and the DuQuoin State Fair, including the
24 payment of prize money or premiums;

25 (2) for the distribution to county fairs,
26 vocational agriculture section fairs, agricultural
27 societies, and agricultural extension clubs in accordance
28 with the "Agricultural Fair Act", as amended;

29 (3) for payment of prize monies and premiums
30 awarded and for expenses incurred in connection with the
31 International Livestock Exposition and the Mid-Continent
32 Livestock Exposition held in Illinois, which premiums,
33 and awards must be approved, and paid by the Illinois
34 Department of Agriculture;

1 (4) for personal service of county agricultural
2 advisors and county home advisors;

3 (5) for distribution to agricultural home economic
4 extension councils in accordance with "An Act in relation
5 to additional support and finance for the Agricultural
6 and Home Economic Extension Councils in the several
7 counties in this State and making an appropriation
8 therefor", approved July 24, 1967, as amended;

9 (6) for research on equine disease, including a
10 development center therefor;

11 (7) for training scholarships for study on equine
12 diseases to students at the University of Illinois
13 College of Veterinary Medicine;

14 (8) for the rehabilitation, repair and maintenance
15 of the Illinois and DuQuoin State Fair Grounds and the
16 structures and facilities thereon and the construction of
17 permanent improvements on such Fair Grounds, including
18 such structures, facilities and property located on such
19 State Fair Grounds which are under the custody and
20 control of the Department of Agriculture;

21 (9) for the expenses of the Department of
22 Agriculture under Section 5-530 of the Departments of
23 State Government Law (20 ILCS 5/5-530);

24 (10) for the expenses of the Department of Commerce
25 and Community Affairs under Sections 605-620, 605-625,
26 and 605-630 of the Department of Commerce and Community
27 Affairs Law (20 ILCS 605/605-620, 605/605-625, and
28 605/605-630);

29 (11) for remodeling, expanding, and reconstructing
30 facilities destroyed by fire of any Fair and Exposition
31 Authority in counties with a population of 1,000,000 or
32 more inhabitants;

33 (12) for the purpose of assisting in the care and
34 general rehabilitation of disabled veterans of any war

1 and their surviving spouses and orphans;

2 (13) for expenses of the Department of State Police
3 for duties performed under this Act;

4 (14) for the Department of Agriculture for soil
5 surveys and soil and water conservation purposes;

6 (15) for the Department of Agriculture for grants
7 to the City of Chicago for conducting the Chicagofest.

8 (k) To the extent that monies paid by the Board to the
9 Agricultural Premium Fund are in the opinion of the Governor
10 in excess of the amount necessary for the purposes herein
11 stated, the Governor shall notify the Comptroller and the
12 State Treasurer of such fact, who, upon receipt of such
13 notification, shall transfer such excess monies from the
14 Agricultural Premium Fund to the General Revenue Fund.

15 (Source: P.A. 91-40, eff. 1-1-00; 91-239, eff. 1-1-00;
16 revised 8-9-99.)

17 Section 75. The Grain Code is amended by changing
18 Sections 1-10 and 1-15 as follows:

19 (240 ILCS 40/1-10)

20 Sec. 1-10. Definitions. As used in this Act:

21 "Board" means the governing body of the Illinois Grain
22 Insurance Corporation.

23 "Certificate" means a document, other than the license,
24 issued by the Department that certifies that a grain dealer's
25 license has been issued and is in effect.

26 "Claimant" means:

27 (a) a person, including, without limitation, a lender:

28 (1) who possesses warehouse receipts issued from an
29 Illinois location covering grain owned or stored by a
30 failed warehouseman; or

31 (2) who has other written evidence of a storage
32 obligation of a failed warehouseman issued from an

1 Illinois location in favor of the holder, including, but
2 not limited to, scale tickets, settlement sheets, and
3 ledger cards; or

4 (3) who has loaned money to a warehouseman and was
5 to receive a warehouse receipt issued from an Illinois
6 location as security for that loan, who surrendered
7 warehouse receipts as part of a grain sale at an Illinois
8 location, or who delivered grain out of storage with the
9 warehouseman as part of a grain sale at an Illinois
10 location; and

11 (i) the grain dealer or warehouseman failed
12 within 21 days after the loan of money, the
13 surrender of warehouse receipts, or the delivery of
14 grain, as the case may be, and no warehouse receipt
15 was issued or payment in full was not made on the
16 grain sale, as the case may be; or

17 (ii) written notice was given by the person to
18 the Department within 21 days after the loan of
19 money, the surrender of warehouse receipts, or the
20 delivery of grain, as the case may be, stating that
21 no warehouse receipt was issued or payment in full
22 made on the grain sale, as the case may be; or

23 (b) a producer not included in item (a)(3) in the
24 definition of "Claimant" who possesses evidence of the sale
25 at an Illinois location of grain delivered to a failed grain
26 dealer and who was not paid in full.

27 "Class I warehouseman" means a warehouseman who is
28 authorized to issue negotiable and non-negotiable warehouse
29 receipts.

30 "Class II warehouseman" means a warehouseman who is
31 authorized to issue only non-negotiable warehouse receipts.

32 "Code" means the Grain Code.

33 "Collateral" means:

34 (a) irrevocable letters of credit;

1 (b) certificates of deposit;
2 (c) cash or a cash equivalent; or
3 (d) any other property acceptable to the Department to
4 the extent there exists equity in that property. For the
5 purposes of this item (d), "equity" is the amount by which
6 the fair market value of the property exceeds the amount owed
7 to a creditor who has a valid, prior, perfected security
8 interest in or other lien on the property.

9 "Corporation" means the Illinois Grain Insurance
10 Corporation.

11 "Daily position record" means a grain inventory
12 accountability record maintained on a daily basis that
13 includes an accurate reflection of changes in grain
14 inventory, storage obligations, company-owned inventory by
15 commodity, and other information that is required by the
16 Department.

17 "Daily grain transaction report" means a record of the
18 daily transactions of a grain dealer showing the amount of
19 all grain received and shipped during each day and the amount
20 on hand at the end of each day.

21 "Date of delivery of grain" means:

22 (a) the date grain is delivered to a grain dealer for
23 the purpose of sale;

24 (b) the date grain is delivered to a warehouseman for
25 the purpose of storage; or

26 (c) in reference to grain in storage with a
27 warehouseman, the date a warehouse receipt representing
28 stored grain is delivered to the issuer of the warehouse
29 receipt for the purpose of selling the stored grain or, if no
30 warehouse receipt was issued:

31 (1) the date the purchase price for stored grain is
32 established; or

33 (2) if sold by price later contract, the date of
34 the price later contract.

1 "Department" means the Illinois Department of
2 Agriculture.

3 "Depositor" means a person who has evidence of a storage
4 obligation from a warehouseman.

5 "Director", unless otherwise provided, means the Illinois
6 Director of Agriculture, or the Director's designee.

7 "Emergency storage" means space measured in bushels and
8 used for a period of time not to exceed 3 months for storage
9 of grain as a consequence of an emergency situation.

10 "Equity assets" means:

11 (a) The equity in any property of the licensee or failed
12 licensee, other than grain assets. For purposes of this item

13 (a):

14 (1) "equity" is the amount by which the fair market
15 value of the property exceeds the amount owed to a
16 creditor who has a valid security interest in or other
17 lien on the property that was perfected before the date
18 of failure of the licensee;

19 (2) a creditor is not deemed to have a valid
20 security interest or other lien on property if (i) the
21 property can be directly traced as being from the sale of
22 grain by the licensee or failed licensee; (ii) the
23 security interest was taken as additional collateral on
24 account of an antecedent debt owed to the creditor; and
25 (iii) the security interest or other lien was perfected
26 (A) on or within 90 days before the date of failure of
27 the licensee or (B) when the creditor is a related
28 person, within one year of the date of failure of the
29 licensee.

30 "Failure" means, in reference to a licensee:

31 (a) a formal declaration of insolvency;

32 (b) a revocation of a license;

33 (c) a failure to apply for license renewal, leaving
34 indebtedness to claimants;

1 (d) a denial of license renewal, leaving indebtedness to
2 claimants; or

3 (e) a voluntary surrender of a license, leaving
4 indebtedness to claimants.

5 "Federal warehouseman" means a warehouseman licensed by
6 the United States government under the United States
7 Warehouse Act (7 U.S.C. 241 et seq.).

8 "Fund" means the Illinois Grain Insurance Fund.

9 "Grain" means corn, soybeans, wheat, oats, rye, barley,
10 grain sorghum, canola, buckwheat, flaxseed, edible soybeans,
11 and other like agricultural commodities designated by rule.

12 "Grain assets" means:

13 (a) all grain owned and all grain stored by a licensee
14 or failed licensee, wherever located;

15 (b) redeposited grain of a licensee or failed licensee;

16 (c) identifiable proceeds, including, but not limited
17 to, insurance proceeds, received by or due to a licensee or
18 failed licensee resulting from the sale, exchange,
19 destruction, loss, or theft of grain, or other disposition of
20 grain by the licensee or failed licensee; or

21 (d) assets in hedging or speculative margin accounts
22 held by commodity or security exchanges on behalf of a
23 licensee or failed licensee and any moneys due or to become
24 due to a licensee or failed licensee, less any secured
25 financing directly associated with those assets or moneys,
26 from any transactions on those exchanges.

27 For purposes of this Act, storage charges, drying
28 charges, price later contract service charges, and other
29 grain service charges received by or due to a licensee or
30 failed licensee shall not be deemed to be grain assets, nor
31 shall such charges be deemed to be proceeds from the sale or
32 other disposition of grain by a licensee or a failed
33 licensee, or to have been directly or indirectly traceable
34 from, to have resulted from, or to have been derived in whole

1 or in part from, or otherwise related to, the sale or other
2 disposition of grain by the licensee or failed licensee.

3 "Grain dealer" means a person who is licensed by the
4 Department to engage in the business of buying grain from
5 producers.

6 "Grain Indemnity Trust Account" means a trust account
7 established by the Director under Section 205-410 of the
8 Department of Agriculture Law (20 ILCS 205/205-410) that is
9 used for the receipt and disbursement of moneys paid from the
10 Fund and proceeds from the liquidation of and collection upon
11 grain assets, equity assets, collateral, or guarantees of or
12 relating to failed licensees. The Grain Indemnity Trust
13 Account shall be used to pay valid claims, authorized refunds
14 from the Fund, and expenses incurred in preserving,
15 liquidating, and collecting upon grain assets, equity assets,
16 collateral, and guarantees relating to failed licensees.

17 "Guarantor" means a person who assumes all or part of the
18 obligations of a licensee to claimants.

19 "Guarantee" means a document executed by a guarantor by
20 which the guarantor assumes all or part of the obligations of
21 a licensee to claimants.

22 "Incidental grain dealer" means a grain dealer who
23 purchases grain only in connection with a feed milling
24 operation and whose total purchases of grain from producers
25 during the grain dealer's fiscal year do not exceed \$100,000.

26 "Licensed storage capacity" means the maximum grain
27 storage capacity measured in bushels approved by the
28 applicable licensing agency for use by a warehouseman.

29 "Licensee" means a grain dealer or warehouseman who is
30 licensed by the Department and a federal warehouseman that is
31 a participant in the Fund, under subsection (c) of Section
32 30-10.

33 "Official grain standards" means the official grade
34 designations as adopted by the United States Department of

1 Agriculture under the United States Grain Standards Act and
2 regulations adopted under that Act (7 U.S.C. 71 et seq. and 7
3 CFR 810.201 et seq.).

4 "Permanent storage capacity" means the capacity of
5 permanent structures available for storage of grain on a
6 regular and continuous basis and measured in bushels.

7 "Person" means any individual or entity, including, but
8 not limited to, a sole proprietorship, a partnership, a
9 corporation, a cooperative, an association, a limited
10 liability company, an estate, or a trust.

11 "Price later contract" means a written contract for the
12 sale of grain whereby any part of the purchase price may be
13 established by the seller after delivery of the grain to a
14 grain dealer according to a pricing formula contained in the
15 contract. Title to the grain passes to the grain dealer at
16 the time of delivery. The precise form and the general terms
17 and conditions of the contract shall be established by rule.

18 "Producer" means the owner, tenant, or operator of land
19 who has an interest in and receives all or part of the
20 proceeds from the sale of the grain produced on the land.

21 "Producer protection holding corporation" means a holding
22 corporation to receive, hold title to, and liquidate assets
23 of or relating to a failed licensee, including assets in
24 reference to collateral or guarantees relating to a failed
25 licensee.

26 "Related persons" means affiliates of a licensee, key
27 persons of a licensee, owners of a licensee, and persons who
28 have control over a licensee. For the purposes of this
29 definition:

30 (a) "Affiliate" means a person who has direct or
31 indirect control of a licensee, is controlled by a
32 licensee, or is under common control with a licensee.

33 (b) "Key person" means an officer, a director, a
34 trustee, a partner, a proprietor, a manager, a managing

1 agent, or the spouse of a licensee. An officer or a
2 director of an entity organized or operating as a
3 cooperative, however, shall not be considered to be a
4 "key person".

5 (c) "Owner" means the holder of: over 10% of the
6 total combined voting power of a corporation or over 10%
7 of the total value of shares of all classes of stock of a
8 corporation; over a 10% interest in a partnership; over
9 10% of the value of a trust computed actuarially; or over
10 10% of the legal or beneficial interest in any other
11 business, association, endeavor, or entity that is a
12 licensee. For purposes of computing these percentages, a
13 holder is deemed to own stock or other interests in a
14 business entity whether the ownership is direct or
15 indirect.

16 (d) "Control" means the power to exercise authority
17 over or direct the management or policies of a business
18 entity.

19 (e) "Indirect" means an interest in a business held
20 by the holder not through the holder's actual holdings in
21 the business, but through the holder's holdings in other
22 businesses.

23 (f) Notwithstanding any other provision of this
24 Act, the term "related person" does not include a lender,
25 secured party, or other lien holder solely by reason of
26 the existence of the loan, security interest, or lien, or
27 solely by reason of the lender, secured party, or other
28 lien holder having or exercising any right or remedy
29 provided by law or by agreement with a licensee or a
30 failed licensee.

31 "Successor agreement" means an agreement by which a
32 licensee succeeds to the grain obligations of a former
33 licensee.

34 "Temporary storage space" means space measured in bushels

1 and used for 6 months or less for storage of grain on a
2 temporary basis due to a need for additional storage in
3 excess of permanent storage capacity.

4 "Trust account" means the Grain Indemnity Trust Account.

5 "Valid claim" means a claim, submitted by a claimant,
6 whose amount and category have been determined by the
7 Department, to the extent that determination is not subject
8 to further administrative review or appeal.

9 "Warehouse" means a building, structure, or enclosure in
10 which grain is stored for the public for compensation,
11 whether grain of different owners is commingled or whether
12 identity of different lots of grain is preserved.

13 "Warehouse receipt" means a receipt for the storage of
14 grain issued by a warehouseman.

15 "Warehouseman" means a person who is licensed:

16 (a) by the Department to engage in the business of
17 storing grain for compensation; or

18 (b) under the United States Warehouse Act who
19 participates in the Fund under subsection (c) of Section
20 30-10.

21 (Source: P.A. 91-213, eff. 7-20-99; 91-239, eff. 1-1-00;
22 revised 10-13-99.)

23 (240 ILCS 40/1-15)

24 Sec. 1-15. Powers and duties of Director. The Director
25 has all powers necessary and proper to fully and effectively
26 execute the provisions of this Code and has the general duty
27 to implement this Code. The Director's powers and duties
28 include, but are not limited to, the following:

29 (1) The Director may, upon application, issue or refuse
30 to issue licenses under this Code, and the Director may
31 extend, renew, reinstate, suspend, revoke, or accept
32 voluntary surrender of licenses under this Code.

33 (2) The Director shall examine and inspect each licensee

1 at least once each calendar year. The Director may inspect
2 the premises used by a licensee at any time. The books,
3 accounts, records, and papers of a licensee are at all times
4 during business hours subject to inspection by the Director.
5 Each licensee may also be required to make reports of its
6 activities, obligations, and transactions that are deemed
7 necessary by the Director to determine whether the interests
8 of producers and the holders of warehouse receipts are
9 adequately protected and safeguarded. The Director may take
10 action or issue orders that in the opinion of the Director
11 are necessary to prevent fraud upon or discrimination against
12 producers or depositors by a licensee.

13 (3) The Director may, upon his or her initiative or upon
14 the written verified complaint of any person setting forth
15 facts that if proved would constitute grounds for a refusal
16 to issue or renew a license or for a suspension or revocation
17 of a license, investigate the actions of any person applying
18 for, holding, or claiming to hold a license or any related
19 party of that person.

20 (4) The Director (but not the Director's designee) may
21 issue subpoenas and bring before the Department any person
22 and take testimony either at an administrative hearing or by
23 deposition with witness fees and mileage fees and in the same
24 manner as prescribed in the Code of Civil Procedure. The
25 Director or the Director's designee may administer oaths to
26 witnesses at any proceeding that the Department is authorized
27 by law to conduct. The Director (but not the Director's
28 designee) may issue subpoenas duces tecum to command the
29 production of records relating to a licensee, guarantor,
30 related business, related person, or related party. Subpoenas
31 are subject to the rules of the Department.

32 (5) Notwithstanding other judicial remedies, the
33 Director may file a complaint and apply for a temporary
34 restraining order or preliminary or permanent injunction

1 restraining or enjoining any person from violating or
2 continuing to violate this Code or its rules.

3 (6) The Director shall act as Trustee for the Trust
4 Account, act as Trustee over all collateral, guarantees,
5 grain assets, and equity assets held by the Department for
6 the benefit of claimants, and exercise certain powers and
7 perform related duties under Section 20-5 of this Code and
8 Section 205-410 of the Department of Agriculture Law (20 ILCS
9 205/205-410), except that the provisions of the Trust and
10 Trustees Act do not apply to the Trust Account or any other
11 trust created under this Code.

12 (7) The Director shall personally serve as president of
13 the Corporation.

14 (8) The Director shall collect and deposit all monetary
15 penalties, printer registration fees, funds, and assessments
16 authorized under this Code into the Fund.

17 (9) The Director may initiate any action necessary to
18 pay refunds from the Fund.

19 (10) The Director shall maintain a holding corporation
20 to receive, hold title to, and liquidate assets of or
21 relating to a failed licensee, including assets in reference
22 to collateral or guarantees, and deposit the proceeds into
23 the Fund.

24 (11) The Director may initiate, participate in, or
25 withdraw from any proceedings to liquidate and collect upon
26 grain assets, equity assets, collateral, and guarantees
27 relating to a failed licensee, including, but not limited to,
28 all powers needed to carry out the provisions of Section
29 20-15.

30 (12) The Director, as Trustee or otherwise, may take any
31 action that may be reasonable or appropriate to enforce this
32 Code and its rules.

33 (Source: P.A. 91-213, eff. 7-20-99; 91-239, eff. 1-1-00;
34 revised 10-13-99.)

1 Section 76. The Illinois Public Aid Code is amended by
2 changing Sections 5-2, 5-5, 9-1, 10-3.1, 10-8, 10-10,
3 10-10.5, 10-11.1, 10-15, 10-16, 10-19, and 12-9 as follows:

4 (305 ILCS 5/5-2) (from Ch. 23, par. 5-2)

5 Sec. 5-2. Classes of Persons Eligible. Medical
6 assistance under this Article shall be available to any of
7 the following classes of persons in respect to whom a plan
8 for coverage has been submitted to the Governor by the
9 Illinois Department and approved by him:

10 1. Recipients of basic maintenance grants under Articles
11 III and IV.

12 2. Persons otherwise eligible for basic maintenance
13 under Articles III and IV but who fail to qualify thereunder
14 on the basis of need, and who have insufficient income and
15 resources to meet the costs of necessary medical care,
16 including but not limited to the following:

17 (a) All persons otherwise eligible for basic
18 maintenance under Article III but who fail to qualify
19 under that Article on the basis of need and who meet
20 either of the following requirements:

21 (i) their income, as determined by the
22 Illinois Department in accordance with any federal
23 requirements, is equal to or less than 70% in fiscal
24 year 2001, equal to or less than 85% in fiscal year
25 2002, and equal to or less than 100% in fiscal year
26 2003 and thereafter of the nonfarm income official
27 poverty line, as defined by the federal Office of
28 Management and Budget and revised annually in
29 accordance with Section 673(2) of the Omnibus Budget
30 Reconciliation Act of 1981, applicable to families
31 of the same size; or

32 (ii) their income, after the deduction of
33 costs incurred for medical care and for other types

1 of remedial care, is equal to or less than 70% in
2 fiscal year 2001, equal to or less than 85% in
3 fiscal year 2002, and equal to or less than 100% in
4 fiscal year 2003 and thereafter of the nonfarm
5 income official poverty line, as defined in item (i)
6 of this subparagraph (a).

7 (b) All persons who would be determined eligible
8 for such basic maintenance under Article IV by
9 disregarding the maximum earned income permitted by
10 federal law.

11 3. Persons who would otherwise qualify for Aid to the
12 Medically Indigent under Article VII.

13 4. Persons not eligible under any of the preceding
14 paragraphs who fall sick, are injured, or die, not having
15 sufficient money, property or other resources to meet the
16 costs of necessary medical care or funeral and burial
17 expenses.

18 5. (a) Women during pregnancy, after the fact of
19 pregnancy has been determined by medical diagnosis, and
20 during the 60-day period beginning on the last day of the
21 pregnancy, together with their infants and children born
22 after September 30, 1983, whose income and resources are
23 insufficient to meet the costs of necessary medical care
24 to the maximum extent possible under Title XIX of the
25 Federal Social Security Act.

26 (b) The Illinois Department and the Governor shall
27 provide a plan for coverage of the persons eligible under
28 paragraph 5(a) by April 1, 1990. Such plan shall provide
29 ambulatory prenatal care to pregnant women during a
30 presumptive eligibility period and establish an income
31 eligibility standard that is equal to 133% of the nonfarm
32 income official poverty line, as defined by the federal
33 Office of Management and Budget and revised annually in
34 accordance with Section 673(2) of the Omnibus Budget

1 Reconciliation Act of 1981, applicable to families of the
2 same size, provided that costs incurred for medical care
3 are not taken into account in determining such income
4 eligibility.

5 (c) The Illinois Department may conduct a
6 demonstration in at least one county that will provide
7 medical assistance to pregnant women, together with their
8 infants and children up to one year of age, where the
9 income eligibility standard is set up to 185% of the
10 nonfarm income official poverty line, as defined by the
11 federal Office of Management and Budget. The Illinois
12 Department shall seek and obtain necessary authorization
13 provided under federal law to implement such a
14 demonstration. Such demonstration may establish resource
15 standards that are not more restrictive than those
16 established under Article IV of this Code.

17 6. Persons under the age of 18 who fail to qualify as
18 dependent under Article IV and who have insufficient income
19 and resources to meet the costs of necessary medical care to
20 the maximum extent permitted under Title XIX of the Federal
21 Social Security Act.

22 7. Persons who are 18 years of age or younger and would
23 qualify as disabled as defined under the Federal Supplemental
24 Security Income Program, provided medical service for such
25 persons would be eligible for Federal Financial
26 Participation, and provided the Illinois Department
27 determines that:

28 (a) the person requires a level of care provided by
29 a hospital, skilled nursing facility, or intermediate
30 care facility, as determined by a physician licensed to
31 practice medicine in all its branches;

32 (b) it is appropriate to provide such care outside
33 of an institution, as determined by a physician licensed
34 to practice medicine in all its branches;

1 (c) the estimated amount which would be expended
2 for care outside the institution is not greater than the
3 estimated amount which would be expended in an
4 institution.

5 8. Persons who become ineligible for basic maintenance
6 assistance under Article IV of this Code in programs
7 administered by the Illinois Department due to employment
8 earnings and persons in assistance units comprised of adults
9 and children who become ineligible for basic maintenance
10 assistance under Article VI of this Code due to employment
11 earnings. The plan for coverage for this class of persons
12 shall:

13 (a) extend the medical assistance coverage for up
14 to 12 months following termination of basic maintenance
15 assistance; and

16 (b) offer persons who have initially received 6
17 months of the coverage provided in paragraph (a) above,
18 the option of receiving an additional 6 months of
19 coverage, subject to the following:

20 (i) such coverage shall be pursuant to
21 provisions of the federal Social Security Act;

22 (ii) such coverage shall include all services
23 covered while the person was eligible for basic
24 maintenance assistance;

25 (iii) no premium shall be charged for such
26 coverage; and

27 (iv) such coverage shall be suspended in the
28 event of a person's failure without good cause to
29 file in a timely fashion reports required for this
30 coverage under the Social Security Act and coverage
31 shall be reinstated upon the filing of such reports
32 if the person remains otherwise eligible.

33 9. Persons with acquired immunodeficiency syndrome
34 (AIDS) or with AIDS-related conditions with respect to whom

1 there has been a determination that but for home or
2 community-based services such individuals would require the
3 level of care provided in an inpatient hospital, skilled
4 nursing facility or intermediate care facility the cost of
5 which is reimbursed under this Article. Assistance shall be
6 provided to such persons to the maximum extent permitted
7 under Title XIX of the Federal Social Security Act.

8 10. Participants in the long-term care insurance
9 partnership program established under the Partnership for
10 Long-Term Care Act who meet the qualifications for protection
11 of resources described in Section 25 of that Act.

12 11. Persons with disabilities who are employed and
13 eligible for Medicaid, pursuant to Section
14 1902(a)(10)(A)(ii)(xv) of the Social Security Act, as
15 provided by the Illinois Department by rule.

16 The Illinois Department and the Governor shall provide a
17 plan for coverage of the persons eligible under paragraph 7
18 as soon as possible after July 1, 1984.

19 The eligibility of any such person for medical assistance
20 under this Article is not affected by the payment of any
21 grant under the Senior Citizens and Disabled Persons Property
22 Tax Relief and Pharmaceutical Assistance Act or any
23 distributions or items of income described under subparagraph
24 (X) of paragraph (2) of subsection (a) of Section 203 of the
25 Illinois Income Tax Act. The Department shall by rule
26 establish the amounts of assets to be disregarded in
27 determining eligibility for medical assistance, which shall
28 at a minimum equal the amounts to be disregarded under the
29 Federal Supplemental Security Income Program. The amount of
30 assets of a single person to be disregarded shall not be less
31 than \$2,000, and the amount of assets of a married couple to
32 be disregarded shall not be less than \$3,000.

33 To the extent permitted under federal law, any person
34 found guilty of a second violation of Article VIII A shall be

1 ineligible for medical assistance under this Article, as
2 provided in Section 8A-8.

3 The eligibility of any person for medical assistance
4 under this Article shall not be affected by the receipt by
5 the person of donations or benefits from fundraisers held for
6 the person in cases of serious illness, as long as neither
7 the person nor members of the person's family have actual
8 control over the donations or benefits or the disbursement of
9 the donations or benefits.

10 (Source: P.A. 91-676, eff. 12-23-99; 91-699, eff. 7-1-00;
11 91-712, eff. 7-1-00; revised 6-26-00.)

12 (305 ILCS 5/5-5) (from Ch. 23, par. 5-5)

13 Sec. 5-5. Medical services. The Illinois Department, by
14 rule, shall determine the quantity and quality of and the
15 rate of reimbursement for the medical assistance for which
16 payment will be authorized, and the medical services to be
17 provided, which may include all or part of the following: (1)
18 inpatient hospital services; (2) outpatient hospital
19 services; (3) other laboratory and X-ray services; (4)
20 skilled nursing home services; (5) physicians' services
21 whether furnished in the office, the patient's home, a
22 hospital, a skilled nursing home, or elsewhere; (6) medical
23 care, or any other type of remedial care furnished by
24 licensed practitioners; (7) home health care services; (8)
25 private duty nursing service; (9) clinic services; (10)
26 dental services; (11) physical therapy and related services;
27 (12) prescribed drugs, dentures, and prosthetic devices; and
28 eyeglasses prescribed by a physician skilled in the diseases
29 of the eye, or by an optometrist, whichever the person may
30 select; (13) other diagnostic, screening, preventive, and
31 rehabilitative services; (14) transportation and such other
32 expenses as may be necessary; (15) medical treatment of
33 sexual assault survivors, as defined in Section 1a of the

1 Sexual Assault Survivors Emergency Treatment Act, for
2 injuries sustained as a result of the sexual assault,
3 including examinations and laboratory tests to discover
4 evidence which may be used in criminal proceedings arising
5 from the sexual assault; (16) the diagnosis and treatment of
6 sickle cell anemia; and (17) any other medical care, and any
7 other type of remedial care recognized under the laws of this
8 State, but not including abortions, or induced miscarriages
9 or premature births, unless, in the opinion of a physician,
10 such procedures are necessary for the preservation of the
11 life of the woman seeking such treatment, or except an
12 induced premature birth intended to produce a live viable
13 child and such procedure is necessary for the health of the
14 mother or her unborn child. The Illinois Department, by rule,
15 shall prohibit any physician from providing medical
16 assistance to anyone eligible therefor under this Code where
17 such physician has been found guilty of performing an
18 abortion procedure in a wilful and wanton manner upon a woman
19 who was not pregnant at the time such abortion procedure was
20 performed. The term "any other type of remedial care" shall
21 include nursing care and nursing home service for persons who
22 rely on treatment by spiritual means alone through prayer for
23 healing.

24 Notwithstanding any other provision of this Section, a
25 comprehensive tobacco use cessation program that includes
26 purchasing prescription drugs or prescription medical devices
27 approved by the Food and Drug administration shall be covered
28 under the medical assistance program under this Article for
29 persons who are otherwise eligible for assistance under this
30 Article.

31 Notwithstanding any other provision of this Code, the
32 Illinois Department may not require, as a condition of
33 payment for any laboratory test authorized under this
34 Article, that a physician's handwritten signature appear on

1 the laboratory test order form. The Illinois Department may,
2 however, impose other appropriate requirements regarding
3 laboratory test order documentation.

4 The Illinois Department of Public Aid shall provide the
5 following services to persons eligible for assistance under
6 this Article who are participating in education, training or
7 employment programs operated by the Department of Human
8 Services as successor to the Department of Public Aid:

9 (1) dental services, which shall include but not be
10 limited to prosthodontics; and

11 (2) eyeglasses prescribed by a physician skilled in
12 the diseases of the eye, or by an optometrist, whichever
13 the person may select.

14 The Illinois Department, by rule, may distinguish and
15 classify the medical services to be provided only in
16 accordance with the classes of persons designated in Section
17 5-2.

18 The Illinois Department shall authorize the provision of,
19 and shall authorize payment for, screening by low-dose
20 mammography for the presence of occult breast cancer for
21 women 35 years of age or older who are eligible for medical
22 assistance under this Article, as follows: a baseline
23 mammogram for women 35 to 39 years of age and an annual
24 mammogram for women 40 years of age or older. All screenings
25 shall include a physical breast exam, instruction on
26 self-examination and information regarding the frequency of
27 self-examination and its value as a preventative tool. As
28 used in this Section, "low-dose mammography" means the x-ray
29 examination of the breast using equipment dedicated
30 specifically for mammography, including the x-ray tube,
31 filter, compression device, image receptor, and cassettes,
32 with an average radiation exposure delivery of less than one
33 rad mid-breast, with 2 views for each breast.

34 Any medical or health care provider shall immediately

1 recommend, to any pregnant woman who is being provided
2 prenatal services and is suspected of drug abuse or is
3 addicted as defined in the Alcoholism and Other Drug Abuse
4 and Dependency Act, referral to a local substance abuse
5 treatment provider licensed by the Department of Human
6 Services or to a licensed hospital which provides substance
7 abuse treatment services. The Department of Public Aid shall
8 assure coverage for the cost of treatment of the drug abuse
9 or addiction for pregnant recipients in accordance with the
10 Illinois Medicaid Program in conjunction with the Department
11 of Human Services.

12 All medical providers providing medical assistance to
13 pregnant women under this Code shall receive information from
14 the Department on the availability of services under the Drug
15 Free Families with a Future or any comparable program
16 providing case management services for addicted women,
17 including information on appropriate referrals for other
18 social services that may be needed by addicted women in
19 addition to treatment for addiction.

20 The Illinois Department, in cooperation with the
21 Departments of Human Services (as successor to the Department
22 of Alcoholism and Substance Abuse) and Public Health, through
23 a public awareness campaign, may provide information
24 concerning treatment for alcoholism and drug abuse and
25 addiction, prenatal health care, and other pertinent programs
26 directed at reducing the number of drug-affected infants born
27 to recipients of medical assistance.

28 Neither the Illinois Department of Public Aid nor the
29 Department of Human Services shall sanction the recipient
30 solely on the basis of her substance abuse.

31 The Illinois Department shall establish such regulations
32 governing the dispensing of health services under this
33 Article as it shall deem appropriate. In formulating these
34 regulations the Illinois Department shall consult with and

1 give substantial weight to the recommendations offered by the
2 Citizens Assembly/Council on Public Aid. The Department
3 should seek the advice of formal professional advisory
4 committees appointed by the Director of the Illinois
5 Department for the purpose of providing regular advice on
6 policy and administrative matters, information dissemination
7 and educational activities for medical and health care
8 providers, and consistency in procedures to the Illinois
9 Department.

10 The Illinois Department may develop and contract with
11 Partnerships of medical providers to arrange medical services
12 for persons eligible under Section 5-2 of this Code.
13 Implementation of this Section may be by demonstration
14 projects in certain geographic areas. The Partnership shall
15 be represented by a sponsor organization. The Department, by
16 rule, shall develop qualifications for sponsors of
17 Partnerships. Nothing in this Section shall be construed to
18 require that the sponsor organization be a medical
19 organization.

20 The sponsor must negotiate formal written contracts with
21 medical providers for physician services, inpatient and
22 outpatient hospital care, home health services, treatment for
23 alcoholism and substance abuse, and other services determined
24 necessary by the Illinois Department by rule for delivery by
25 Partnerships. Physician services must include prenatal and
26 obstetrical care. The Illinois Department shall reimburse
27 medical services delivered by Partnership providers to
28 clients in target areas according to provisions of this
29 Article and the Illinois Health Finance Reform Act, except
30 that:

31 (1) Physicians participating in a Partnership and
32 providing certain services, which shall be determined by
33 the Illinois Department, to persons in areas covered by
34 the Partnership may receive an additional surcharge for

1 such services.

2 (2) The Department may elect to consider and
3 negotiate financial incentives to encourage the
4 development of Partnerships and the efficient delivery of
5 medical care.

6 (3) Persons receiving medical services through
7 Partnerships may receive medical and case management
8 services above the level usually offered through the
9 medical assistance program.

10 Medical providers shall be required to meet certain
11 qualifications to participate in Partnerships to ensure the
12 delivery of high quality medical services. These
13 qualifications shall be determined by rule of the Illinois
14 Department and may be higher than qualifications for
15 participation in the medical assistance program. Partnership
16 sponsors may prescribe reasonable additional qualifications
17 for participation by medical providers, only with the prior
18 written approval of the Illinois Department.

19 Nothing in this Section shall limit the free choice of
20 practitioners, hospitals, and other providers of medical
21 services by clients. In order to ensure patient freedom of
22 choice, the Illinois Department shall immediately promulgate
23 all rules and take all other necessary actions so that
24 provided services may be accessed from therapeutically
25 certified optometrists to the full extent of the Illinois
26 Optometric Practice Act of 1987 without discriminating
27 between service providers.

28 The Department shall apply for a waiver from the United
29 States Health Care Financing Administration to allow for the
30 implementation of Partnerships under this Section.

31 The Illinois Department shall require health care
32 providers to maintain records that document the medical care
33 and services provided to recipients of Medical Assistance
34 under this Article. The Illinois Department shall require

1 health care providers to make available, when authorized by
2 the patient, in writing, the medical records in a timely
3 fashion to other health care providers who are treating or
4 serving persons eligible for Medical Assistance under this
5 Article. All dispensers of medical services shall be
6 required to maintain and retain business and professional
7 records sufficient to fully and accurately document the
8 nature, scope, details and receipt of the health care
9 provided to persons eligible for medical assistance under
10 this Code, in accordance with regulations promulgated by the
11 Illinois Department. The rules and regulations shall require
12 that proof of the receipt of prescription drugs, dentures,
13 prosthetic devices and eyeglasses by eligible persons under
14 this Section accompany each claim for reimbursement submitted
15 by the dispenser of such medical services. No such claims for
16 reimbursement shall be approved for payment by the Illinois
17 Department without such proof of receipt, unless the Illinois
18 Department shall have put into effect and shall be operating
19 a system of post-payment audit and review which shall, on a
20 sampling basis, be deemed adequate by the Illinois Department
21 to assure that such drugs, dentures, prosthetic devices and
22 eyeglasses for which payment is being made are actually being
23 received by eligible recipients. Within 90 days after the
24 effective date of this amendatory Act of 1984, the Illinois
25 Department shall establish a current list of acquisition
26 costs for all prosthetic devices and any other items
27 recognized as medical equipment and supplies reimbursable
28 under this Article and shall update such list on a quarterly
29 basis, except that the acquisition costs of all prescription
30 drugs shall be updated no less frequently than every 30 days
31 as required by Section 5-5.12.

32 The rules and regulations of the Illinois Department
33 shall require that a written statement including the required
34 opinion of a physician shall accompany any claim for

1 reimbursement for abortions, or induced miscarriages or
2 premature births. This statement shall indicate what
3 procedures were used in providing such medical services.

4 The Illinois Department shall require that all dispensers
5 of medical services, other than an individual practitioner or
6 group of practitioners, desiring to participate in the
7 Medical Assistance program established under this Article to
8 disclose all financial, beneficial, ownership, equity, surety
9 or other interests in any and all firms, corporations,
10 partnerships, associations, business enterprises, joint
11 ventures, agencies, institutions or other legal entities
12 providing any form of health care services in this State
13 under this Article.

14 The Illinois Department may require that all dispensers
15 of medical services desiring to participate in the medical
16 assistance program established under this Article disclose,
17 under such terms and conditions as the Illinois Department
18 may by rule establish, all inquiries from clients and
19 attorneys regarding medical bills paid by the Illinois
20 Department, which inquiries could indicate potential
21 existence of claims or liens for the Illinois Department.

22 The Illinois Department shall establish policies,
23 procedures, standards and criteria by rule for the
24 acquisition, repair and replacement of orthotic and
25 prosthetic devices and durable medical equipment. Such rules
26 shall provide, but not be limited to, the following services:
27 (1) immediate repair or replacement of such devices by
28 recipients without medical authorization; and (2) rental,
29 lease, purchase or lease-purchase of durable medical
30 equipment in a cost-effective manner, taking into
31 consideration the recipient's medical prognosis, the extent
32 of the recipient's needs, and the requirements and costs for
33 maintaining such equipment. Such rules shall enable a
34 recipient to temporarily acquire and use alternative or

1 substitute devices or equipment pending repairs or
2 replacements of any device or equipment previously authorized
3 for such recipient by the Department. Rules under clause (2)
4 above shall not provide for purchase or lease-purchase of
5 durable medical equipment or supplies used for the purpose of
6 oxygen delivery and respiratory care.

7 The Department shall execute, relative to the nursing
8 home prescreening project, written inter-agency agreements
9 with the Department of Human Services and the Department on
10 Aging, to effect the following: (i) intake procedures and
11 common eligibility criteria for those persons who are
12 receiving non-institutional services; and (ii) the
13 establishment and development of non-institutional services
14 in areas of the State where they are not currently available
15 or are undeveloped.

16 The Illinois Department shall develop and operate, in
17 cooperation with other State Departments and agencies and in
18 compliance with applicable federal laws and regulations,
19 appropriate and effective systems of health care evaluation
20 and programs for monitoring of utilization of health care
21 services and facilities, as it affects persons eligible for
22 medical assistance under this Code. The Illinois Department
23 shall report regularly the results of the operation of such
24 systems and programs to the Citizens Assembly/Council on
25 Public Aid to enable the Committee to ensure, from time to
26 time, that these programs are effective and meaningful.

27 The Illinois Department shall report annually to the
28 General Assembly, no later than the second Friday in April of
29 1979 and each year thereafter, in regard to:

30 (a) actual statistics and trends in utilization of
31 medical services by public aid recipients;

32 (b) actual statistics and trends in the provision
33 of the various medical services by medical vendors;

34 (c) current rate structures and proposed changes in

1 those rate structures for the various medical vendors;
2 and
3 (d) efforts at utilization review and control by
4 the Illinois Department.

5 The period covered by each report shall be the 3 years
6 ending on the June 30 prior to the report. The report shall
7 include suggested legislation for consideration by the
8 General Assembly. The filing of one copy of the report with
9 the Speaker, one copy with the Minority Leader and one copy
10 with the Clerk of the House of Representatives, one copy with
11 the President, one copy with the Minority Leader and one copy
12 with the Secretary of the Senate, one copy with the
13 Legislative Research Unit, such additional copies with the
14 State Government Report Distribution Center for the General
15 Assembly as is required under paragraph (t) of Section 7 of
16 the State Library Act and one copy with the Citizens
17 Assembly/Council on Public Aid or its successor shall be
18 deemed sufficient to comply with this Section.

19 (Source: P.A. 90-7, eff. 6-10-97; 90-14, eff. 7-1-97; 91-344,
20 eff. 1-1-00; 91-462, eff. 8-6-99; 91-666, eff. 12-22-99;
21 revised 1-6-00.)

22 (305 ILCS 5/9-1) (from Ch. 23, par. 9-1)

23 Sec. 9-1. Declaration of Purpose. It is the purpose of
24 this Article to aid applicants for and recipients of public
25 aid under Articles III, IV, V, VI and VII, to increase their
26 capacities for self-support, self-care, and responsible
27 citizenship, and to assist them in maintaining and
28 strengthening family life. If authorized pursuant to Section
29 9-8, this Article may be extended to former and potential
30 recipients and to persons whose income does not exceed the
31 standard established to determine eligibility for aid as a
32 medically indigent person under Article V. The Department,
33 with the written consent of the Governor, may also:

1 (a) extend this Article to individuals and their
2 families with income closely related to national indices of
3 poverty who have special needs resulting from
4 institutionalization of a family member or conditions that
5 may lead to institutionalization or who live in impoverished
6 areas or in facilities developed to serve persons of low
7 income;

8 (b) establish, where indicated, schedules of payment for
9 service provided based on ability to pay;

10 (c) provide for the coordinated delivery of the services
11 described in this Article and related services offered by
12 other public or private agencies or institutions, and
13 cooperate with the Illinois Department on Aging to enable it
14 to properly execute and fulfill its duties pursuant to the
15 provisions of Section 4.01 of the "Illinois Act on the
16 Aging", as now or hereafter amended;

17 (d) provide in-home care services, such as chore and
18 housekeeping services or homemaker services, to recipients of
19 public aid under Articles IV and VI, the scope and
20 eligibility criteria for such services to be determined by
21 rule; and

22 (e) contract with other State agencies for the purchase
23 of social service under Title XX of the Social Security Act,
24 such services to be provided pursuant to such other agencies'
25 enabling legislation; and;

26 (f) cooperate with the Illinois Department of Public Aid
27 to provide services to public aid recipients for the
28 treatment and prevention of alcoholism and substance abuse.

29 (Source: P.A. 89-507, eff. 7-1-97; revised 1-16-01.)

30 (305 ILCS 5/10-3.1) (from Ch. 23, par. 10-3.1)

31 Sec. 10-3.1. Child and Spouse Support Unit. The
32 Illinois Department shall establish within its administrative
33 staff a Child and Spouse Support Unit to search for and

1 locate absent parents and spouses liable for the support of
2 persons resident in this State and to exercise the support
3 enforcement powers and responsibilities assigned the
4 Department by this Article. The unit shall cooperate with
5 all law enforcement officials in this State and with the
6 authorities of other States in locating persons responsible
7 for the support of persons resident in other States and shall
8 invite the cooperation of these authorities in the
9 performance of its duties.

10 In addition to other duties assigned the Child and Spouse
11 Support Unit by this Article, the Unit may refer to the
12 Attorney General or units of local government with the
13 approval of the Attorney General, any actions under Sections
14 10-10 and 10-15 for judicial enforcement of the support
15 liability. The Child and Spouse Support Unit shall act for
16 the Department in referring to the Attorney General support
17 matters requiring judicial enforcement under other laws. If
18 requested by the Attorney General to so act, as provided in
19 Section 12-16, attorneys of the Unit may assist the Attorney
20 General or themselves institute actions in behalf of the
21 Illinois Department under the Revised Uniform Reciprocal
22 Enforcement of Support Act; under the Illinois Parentage Act
23 of 1984; under the Non-Support of Spouse and Children Act;
24 under the Non-Support Punishment Act; or under any other law,
25 State or Federal, providing for support of a spouse or
26 dependent child.

27 The Illinois Department shall also have the authority to
28 enter into agreements with local governmental units or
29 individuals, with the approval of the Attorney General, for
30 the collection of moneys owing because of the failure of a
31 parent to make child support payments for any child receiving
32 services under this Article. Such agreements may be on a
33 contingent fee basis, but such contingent fee shall not
34 exceed 25% of the total amount collected.

1 An attorney who provides representation pursuant to this
2 Section shall represent the Illinois Department exclusively.
3 Regardless of the designation of the plaintiff in an action
4 brought pursuant to this Section, an attorney-client
5 relationship does not exist for purposes of that action
6 between that attorney and (i) an applicant for or recipient
7 of child and spouse support services or (ii) any other party
8 to the action other than the Illinois Department. Nothing in
9 this Section shall be construed to modify any power or duty
10 (including a duty to maintain confidentiality) of the Child
11 and Spouse Support Unit or the Illinois Department otherwise
12 provided by law.

13 The Illinois Department may also enter into agreements
14 with local governmental units for the Child and Spouse
15 Support Unit to exercise the investigative and enforcement
16 powers designated in this Article, including the issuance of
17 administrative orders under Section 10-11, in locating
18 responsible relatives and obtaining support for persons
19 applying for or receiving aid under Article VI. Payments for
20 defrayment of administrative costs and support payments
21 obtained shall be deposited into the DHS Recoveries Trust
22 Fund. Support payments shall be paid over to the General
23 Assistance Fund of the local governmental unit at such time
24 or times as the agreement may specify.

25 With respect to those cases in which it has support
26 enforcement powers and responsibilities under this Article,
27 the Illinois Department may provide by rule for periodic or
28 other review of each administrative and court order for
29 support to determine whether a modification of the order
30 should be sought. The Illinois Department shall provide for
31 and conduct such review in accordance with any applicable
32 federal law and regulation.

33 As part of its process for review of orders for support,
34 the Illinois Department, through written notice, may require

1 the responsible relative to disclose his or her Social
2 Security Number and past and present information concerning
3 the relative's address, employment, gross wages, deductions
4 from gross wages, net wages, bonuses, commissions, number of
5 dependent exemptions claimed, individual and dependent health
6 insurance coverage, and any other information necessary to
7 determine the relative's ability to provide support in a case
8 receiving child and spouse support services under this
9 Article X.

10 The Illinois Department may send a written request for
11 the same information to the relative's employer. The
12 employer shall respond to the request for information within
13 15 days after the date the employer receives the request. If
14 the employer willfully fails to fully respond within the
15 15-day period, the employer shall pay a penalty of \$100 for
16 each day that the response is not provided to the Illinois
17 Department after the 15-day period has expired. The penalty
18 may be collected in a civil action which may be brought
19 against the employer in favor of the Illinois Department.

20 A written request for information sent to an employer
21 pursuant to this Section shall consist of (i) a citation of
22 this Section as the statutory authority for the request and
23 for the employer's obligation to provide the requested
24 information, (ii) a returnable form setting forth the
25 employer's name and address and listing the name of the
26 employee with respect to whom information is requested, and
27 (iii) a citation of this Section as the statutory authority
28 authorizing the employer to withhold a fee of up to \$20 from
29 the wages or income to be paid to each responsible relative
30 for providing the information to the Illinois Department
31 within the 15-day period. If the employer is withholding
32 support payments from the responsible relative's income
33 pursuant to an order for withholding, the employer may
34 withhold the fee provided for in this Section only after

1 withholding support as required under the order. Any amounts
2 withheld from the responsible relative's income for payment
3 of support and the fee provided for in this Section shall not
4 be in excess of the amounts permitted under the federal
5 Consumer Credit Protection Act.

6 In a case receiving child and spouse support services,
7 the Illinois Department may request and obtain information
8 from a particular employer under this Section no more than
9 once in any 12-month period, unless the information is
10 necessary to conduct a review of a court or administrative
11 order for support at the request of the person receiving
12 child and spouse support services.

13 The Illinois Department shall establish and maintain an
14 administrative unit to receive and transmit to the Child and
15 Spouse Support Unit information supplied by persons applying
16 for or receiving child and spouse support services under
17 Section 10-1. In addition, the Illinois Department shall
18 address and respond to any alleged deficiencies that persons
19 receiving or applying for services from the Child and Spouse
20 Support Unit may identify concerning the Child and Spouse
21 Support Unit's provision of child and spouse support
22 services. Within 60 days after an action or failure to act by
23 the Child and Spouse Support Unit that affects his or her
24 case, a recipient of or applicant for child and spouse
25 support services under Article X of this Code may request an
26 explanation of the Unit's handling of the case. At the
27 requestor's option, the explanation may be provided either
28 orally in an interview, in writing, or both. If the Illinois
29 Department fails to respond to the request for an explanation
30 or fails to respond in a manner satisfactory to the applicant
31 or recipient within 30 days from the date of the request for
32 an explanation, the applicant or recipient may request a
33 conference for further review of the matter by the Office of
34 the Administrator of the Child and Spouse Support Unit. A

1 request for a conference may be submitted at any time within
2 60 days after the explanation has been provided by the Child
3 and Spouse Support Unit or within 60 days after the time for
4 providing the explanation has expired.

5 The applicant or recipient may request a conference
6 concerning any decision denying or terminating child or
7 spouse support services under Article X of this Code, and the
8 applicant or recipient may also request a conference
9 concerning the Unit's failure to provide services or the
10 provision of services in an amount or manner that is
11 considered inadequate. For purposes of this Section, the
12 Child and Spouse Support Unit includes all local governmental
13 units or individuals with whom the Illinois Department has
14 contracted under Section 10-3.1.

15 Upon receipt of a timely request for a conference, the
16 Office of the Administrator shall review the case. The
17 applicant or recipient requesting the conference shall be
18 entitled, at his or her option, to appear in person or to
19 participate in the conference by telephone. The applicant or
20 recipient requesting the conference shall be entitled to be
21 represented and to be afforded a reasonable opportunity to
22 review the Illinois Department's file before or at the
23 conference. At the conference, the applicant or recipient
24 requesting the conference shall be afforded an opportunity to
25 present all relevant matters in support of his or her claim.
26 Conferences shall be without cost to the applicant or
27 recipient requesting the conference and shall be conducted by
28 a representative of the Child or Spouse Support Unit who did
29 not participate in the action or inaction being reviewed.

30 The Office of the Administrator shall conduct a
31 conference and inform all interested parties, in writing, of
32 the results of the conference within 60 days from the date of
33 filing of the request for a conference.

34 In addition to its other powers and responsibilities

1 established by this Article, the Child and Spouse Support
2 Unit shall conduct an annual assessment of each institution's
3 program for institution based paternity establishment under
4 Section 12 of the Vital Records Act.

5 (Source: P.A. 90-18, eff. 7-1-97; 91-24, eff. 7-1-99; 91-613,
6 eff. 10-1-99; revised 9-28-99.)

7 (305 ILCS 5/10-8) (from Ch. 23, par. 10-8)

8 Sec. 10-8. Support Payments - Partial Support - Full
9 Support. The notice to responsible relatives issued pursuant
10 to Section 10-7 shall direct payment (a) to the Illinois
11 Department in cases of applicants and recipients under
12 Articles III, IV, V and VII, (b) except as provided in
13 Section 10-3.1, to the local governmental unit in the case of
14 applicants and recipients under Article VI, and (c) to the
15 Illinois Department in cases of non-applicants and
16 non-recipients given access to the child and spouse support
17 services of this Article, as provided by Section 10-1.
18 However, if the support payments by responsible relatives are
19 sufficient to meet needs of a recipient in full, including
20 current and anticipated medical needs, and the Illinois
21 Department or the local governmental unit, as the case may
22 be, has reasonable grounds to believe that such needs will
23 continue to be provided in full by the responsible relatives,
24 the relatives may be directed to make subsequent support
25 payments to the needy person or to some person or agency in
26 his behalf and the recipient shall be removed from the rolls.
27 In such instance the recipient also shall be notified by
28 registered or certified mail of the action taken. If a
29 recipient removed from the rolls requests the Illinois
30 Department to continue to collect the support payments in his
31 behalf, the Department, at its option, may do so and pay
32 amounts so collected to the person. The Department may
33 provide for deducting any costs incurred by it in making the

1 collection from the amount of any recovery made and pay only
2 the net amount to the person.

3 Payments under this Section to the Illinois Department
4 pursuant to the Child Support Enforcement Program established
5 by Title IV-D of the Social Security Act shall be paid into
6 the Child Support Enforcement Trust Fund. All payments under
7 this Section to the Illinois Department of Human Services
8 shall be deposited in the DHS Recoveries Trust Fund.
9 Disbursements from these funds shall be as provided in
10 Sections 12-9.1 and 12-10.2 of this Code. Payments received
11 by a local governmental unit shall be deposited in that
12 unit's General Assistance Fund.

13 To the extent the provisions of this Section are
14 inconsistent with the requirements pertaining to the State
15 Disbursement Unit under Sections 10-10.4 and 10-26 of this
16 Code, the requirements pertaining to the State Disbursement
17 Unit shall apply.

18 (Source: P.A. 91-24, eff. 7-1-99; 91-212, eff. 7-20-99;
19 revised 9-28-99.)

20 (305 ILCS 5/10-10) (from Ch. 23, par. 10-10)

21 Sec. 10-10. Court enforcement; applicability also to
22 persons who are not applicants or recipients. Except where
23 the Illinois Department, by agreement, acts for the local
24 governmental unit, as provided in Section 10-3.1, local
25 governmental units shall refer to the State's Attorney or to
26 the proper legal representative of the governmental unit, for
27 judicial enforcement as herein provided, instances of
28 non-support or insufficient support when the dependents are
29 applicants or recipients under Article VI. The Child and
30 Spouse Support Unit established by Section 10-3.1 may
31 institute in behalf of the Illinois Department any actions
32 under this Section for judicial enforcement of the support
33 liability when the dependents are (a) applicants or

1 recipients under Articles III, IV, V or VII; (b) applicants
2 or recipients in a local governmental unit when the Illinois
3 Department, by agreement, acts for the unit; or (c)
4 non-applicants or non-recipients who are receiving support
5 enforcement services under this Article X, as provided in
6 Section 10-1. Where the Child and Spouse Support Unit has
7 exercised its option and discretion not to apply the
8 provisions of Sections 10-3 through 10-8, the failure by the
9 Unit to apply such provisions shall not be a bar to bringing
10 an action under this Section.

11 Action shall be brought in the circuit court to obtain
12 support, or for the recovery of aid granted during the period
13 such support was not provided, or both for the obtainment of
14 support and the recovery of the aid provided. Actions for
15 the recovery of aid may be taken separately or they may be
16 consolidated with actions to obtain support. Such actions
17 may be brought in the name of the person or persons requiring
18 support, or may be brought in the name of the Illinois
19 Department or the local governmental unit, as the case
20 requires, in behalf of such persons.

21 The court may enter such orders for the payment of moneys
22 for the support of the person as may be just and equitable
23 and may direct payment thereof for such period or periods of
24 time as the circumstances require, including support for a
25 period before the date the order for support is entered. The
26 order may be entered against any or all of the defendant
27 responsible relatives and may be based upon the proportionate
28 ability of each to contribute to the person's support.

29 The Court shall determine the amount of child support
30 (including child support for a period before the date the
31 order for child support is entered) by using the guidelines
32 and standards set forth in subsection (a) of Section 505 and
33 in Section 505.2 of the Illinois Marriage and Dissolution of
34 Marriage Act. For purposes of determining the amount of child

1 support to be paid for a period before the date the order for
2 child support is entered, there is a rebuttable presumption
3 that the responsible relative's net income for that period
4 was the same as his or her net income at the time the order
5 is entered.

6 If (i) the responsible relative was properly served with
7 a request for discovery of financial information relating to
8 the responsible relative's ability to provide child support,
9 (ii) the responsible relative failed to comply with the
10 request, despite having been ordered to do so by the court,
11 and (iii) the responsible relative is not present at the
12 hearing to determine support despite having received proper
13 notice, then any relevant financial information concerning
14 the responsible relative's ability to provide child support
15 that was obtained pursuant to subpoena and proper notice
16 shall be admitted into evidence without the need to establish
17 any further foundation for its admission.

18 An order entered under this Section shall include a
19 provision requiring the obligor to report to the obligee and
20 to the clerk of court within 10 days each time the obligor
21 obtains new employment, and each time the obligor's
22 employment is terminated for any reason. The report shall be
23 in writing and shall, in the case of new employment, include
24 the name and address of the new employer. Failure to report
25 new employment or the termination of current employment, if
26 coupled with nonpayment of support for a period in excess of
27 60 days, is indirect criminal contempt. For any obligor
28 arrested for failure to report new employment bond shall be
29 set in the amount of the child support that should have been
30 paid during the period of unreported employment. An order
31 entered under this Section shall also include a provision
32 requiring the obligor and obligee parents to advise each
33 other of a change in residence within 5 days of the change
34 except when the court finds that the physical, mental, or

1 emotional health of a party or that of a minor child, or
2 both, would be seriously endangered by disclosure of the
3 party's address.

4 The Court shall determine the amount of maintenance using
5 the standards set forth in Section 504 of the Illinois
6 Marriage and Dissolution of Marriage Act.

7 Any new or existing support order entered by the court
8 under this Section shall be deemed to be a series of
9 judgments against the person obligated to pay support
10 thereunder, each such judgment to be in the amount of each
11 payment or installment of support and each such judgment to
12 be deemed entered as of the date the corresponding payment or
13 installment becomes due under the terms of the support order.
14 Each such judgment shall have the full force, effect and
15 attributes of any other judgment of this State, including the
16 ability to be enforced. Any such judgment is subject to
17 modification or termination only in accordance with Section
18 510 of the Illinois Marriage and Dissolution of Marriage Act.
19 A lien arises by operation of law against the real and
20 personal property of the noncustodial parent for each
21 installment of overdue support owed by the noncustodial
22 parent.

23 When an order is entered for the support of a minor, the
24 court may provide therein for reasonable visitation of the
25 minor by the person or persons who provided support pursuant
26 to the order. Whoever willfully refuses to comply with such
27 visitation order or willfully interferes with its enforcement
28 may be declared in contempt of court and punished therefor.

29 Except where the local governmental unit has entered into
30 an agreement with the Illinois Department for the Child and
31 Spouse Support Unit to act for it, as provided in Section
32 10-3.1, support orders entered by the court in cases
33 involving applicants or recipients under Article VI shall
34 provide that payments thereunder be made directly to the

1 local governmental unit. Orders for the support of all other
2 applicants or recipients shall provide that payments
3 thereunder be made directly to the Illinois Department. In
4 accordance with federal law and regulations, the Illinois
5 Department may continue to collect current maintenance
6 payments or child support payments, or both, after those
7 persons cease to receive public assistance and until
8 termination of services under Article X. The Illinois
9 Department shall pay the net amount collected to those
10 persons after deducting any costs incurred in making the
11 collection or any collection fee from the amount of any
12 recovery made. In both cases the order shall permit the
13 local governmental unit or the Illinois Department, as the
14 case may be, to direct the responsible relative or relatives
15 to make support payments directly to the needy person, or to
16 some person or agency in his behalf, upon removal of the
17 person from the public aid rolls or upon termination of
18 services under Article X.

19 If the notice of support due issued pursuant to Section
20 10-7 directs that support payments be made directly to the
21 needy person, or to some person or agency in his behalf, and
22 the recipient is removed from the public aid rolls, court
23 action may be taken against the responsible relative
24 hereunder if he fails to furnish support in accordance with
25 the terms of such notice.

26 Actions may also be brought under this Section in behalf
27 of any person who is in need of support from responsible
28 relatives, as defined in Section 2-11 of Article II who is
29 not an applicant for or recipient of financial aid under this
30 Code. In such instances, the State's Attorney of the county
31 in which such person resides shall bring action against the
32 responsible relatives hereunder. If the Illinois Department,
33 as authorized by Section 10-1, extends the support services
34 provided by this Article to spouses and dependent children

1 who are not applicants or recipients under this Code, the
2 Child and Spouse Support Unit established by Section 10-3.1
3 shall bring action against the responsible relatives
4 hereunder and any support orders entered by the court in such
5 cases shall provide that payments thereunder be made directly
6 to the Illinois Department.

7 Whenever it is determined in a proceeding to establish or
8 enforce a child support or maintenance obligation that the
9 person owing a duty of support is unemployed, the court may
10 order the person to seek employment and report periodically
11 to the court with a diary, listing or other memorandum of his
12 or her efforts in accordance with such order. Additionally,
13 the court may order the unemployed person to report to the
14 Department of Employment Security for job search services or
15 to make application with the local Job Jobs Training
16 Partnership Act provider for participation in job search,
17 training or work programs and where the duty of support is
18 owed to a child receiving support services under this Article
19 X, the court may order the unemployed person to report to the
20 Illinois Department for participation in job search, training
21 or work programs established under Section 9-6 and Article
22 IXA of this Code.

23 Whenever it is determined that a person owes past-due
24 support for a child receiving assistance under this Code, the
25 court shall order at the request of the Illinois Department:

26 (1) that the person pay the past-due support in
27 accordance with a plan approved by the court; or

28 (2) if the person owing past-due support is
29 unemployed, is subject to such a plan, and is not
30 incapacitated, that the person participate in such job
31 search, training, or work programs established under
32 Section 9-6 and Article IXA of this Code as the court
33 deems appropriate.

34 A determination under this Section shall not be

1 administratively reviewable by the procedures specified in
2 Sections 10-12, and 10-13 to 10-13.10. Any determination
3 under these Sections, if made the basis of court action under
4 this Section, shall not affect the de novo judicial
5 determination required under this Section.

6 A one-time charge of 20% is imposable upon the amount of
7 past-due child support owed on July 1, 1988 which has accrued
8 under a support order entered by the court. The charge shall
9 be imposed in accordance with the provisions of Section 10-21
10 of this Code and shall be enforced by the court upon
11 petition.

12 All orders for support, when entered or modified, shall
13 include a provision requiring the non-custodial parent to
14 notify the court and, in cases in which a party is receiving
15 child and spouse support services under this Article X, the
16 Illinois Department, within 7 days, (i) of the name, address,
17 and telephone number of any new employer of the non-custodial
18 parent, (ii) whether the non-custodial parent has access to
19 health insurance coverage through the employer or other group
20 coverage and, if so, the policy name and number and the names
21 of persons covered under the policy, and (iii) of any new
22 residential or mailing address or telephone number of the
23 non-custodial parent. In any subsequent action to enforce a
24 support order, upon a sufficient showing that a diligent
25 effort has been made to ascertain the location of the
26 non-custodial parent, service of process or provision of
27 notice necessary in the case may be made at the last known
28 address of the non-custodial parent in any manner expressly
29 provided by the Code of Civil Procedure or this Code, which
30 service shall be sufficient for purposes of due process.

31 An order for support shall include a date on which the
32 current support obligation terminates. The termination date
33 shall be no earlier than the date on which the child covered
34 by the order will attain the age of majority or is otherwise

1 emancipated. The order for support shall state that the
2 termination date does not apply to any arrearage that may
3 remain unpaid on that date. Nothing in this paragraph shall
4 be construed to prevent the court from modifying the order.

5 Upon notification in writing or by electronic
6 transmission from the Illinois Department to the clerk of the
7 court that a person who is receiving support payments under
8 this Section is receiving services under the Child Support
9 Enforcement Program established by Title IV-D of the Social
10 Security Act, any support payments subsequently received by
11 the clerk of the court shall be transmitted in accordance
12 with the instructions of the Illinois Department until the
13 Illinois Department gives notice to the clerk of the court to
14 cease the transmittal. After providing the notification
15 authorized under this paragraph, the Illinois Department
16 shall be entitled as a party to notice of any further
17 proceedings in the case. The clerk of the court shall file a
18 copy of the Illinois Department's notification in the court
19 file. The clerk's failure to file a copy of the notification
20 in the court file shall not, however, affect the Illinois
21 Department's right to receive notice of further proceedings.

22 Payments under this Section to the Illinois Department
23 pursuant to the Child Support Enforcement Program established
24 by Title IV-D of the Social Security Act shall be paid into
25 the Child Support Enforcement Trust Fund. All payments under
26 this Section to the Illinois Department of Human Services
27 shall be deposited in the DHS Recoveries Trust Fund.
28 Disbursements from these funds shall be as provided in
29 Sections 12-9.1 and 12-10.2 of this Code. Payments received
30 by a local governmental unit shall be deposited in that
31 unit's General Assistance Fund.

32 To the extent the provisions of this Section are
33 inconsistent with the requirements pertaining to the State
34 Disbursement Unit under Sections 10-10.4 and 10-26 of this

1 Code, the requirements pertaining to the State Disbursement
2 Unit shall apply.

3 (Source: P.A. 90-18, eff. 7-1-97; 90-539, eff. 6-1-98;
4 90-655, eff. 7-30-98; 90-673, eff. 1-1-99; 90-790, eff.
5 8-14-98; 91-24, eff. 7-1-99; 91-212, eff. 7-20-99; 91-357,
6 eff. 7-29-99; 91-767, eff. 6-9-00; revised 1-16-01.)

7 (305 ILCS 5/10-10.5)

8 Sec. 10-10.5. Information to State Case Registry.

9 (a) When an order for support is entered or modified by
10 the circuit court under Section 10-10, the clerk of the
11 circuit court shall, within 5 business days, provide to the
12 Illinois Department's State Case Registry established under
13 Section 10-27 of this Code the court docket number and county
14 in which the order is entered or modified and the following
15 information, which the parties shall disclose to the court:

16 (1) The names of the custodial and non-custodial
17 parents and the child or children covered by the order.

18 (2) The dates of birth of the custodial and
19 non-custodial parents and of the child or children
20 covered by the order.

21 (3) The social security numbers of the custodial
22 and non-custodial parents and of the child or children
23 covered by the order.

24 (4) The residential and mailing addresses for the
25 custodial and non-custodial parents.

26 (5) The telephone numbers for the custodial and
27 non-custodial parents.

28 (6) The driver's license numbers for the custodial
29 and non-custodial parents.

30 (7) The name, address, and telephone number of each
31 parent's employer or employers.

32 (b) When a child support order is entered or modified
33 for a case in which a party is receiving child and spouse

1 support services under Article X of this Code, the clerk
2 shall provide the State Case Registry with the following
3 information:

4 (1) The information specified in subsection (a) of
5 this Section.

6 (2) The amount of monthly or other periodic support
7 owed under the order and other amounts, including
8 arrearages, interest, or late payment penalties and fees,
9 due or overdue under the order.

10 (3) Any amounts described in subdivision (2) of
11 this subsection (b) that have been received by the clerk.

12 (4) The distribution of the amounts received by the
13 clerk.

14 (c) A party shall report to the clerk of the circuit
15 court changes in information required to be the disclosed
16 under this Section within 5 business days of the change.

17 (d) To the extent that updated information is in the
18 clerk's possession, the clerk shall provide updates of the
19 information specified in subsection (b) of this Section
20 within 5 business days after the Illinois Department's
21 request for that updated information.

22 (Source: P.A. 91-212, eff. 7-20-99; revised 1-16-01.)

23 (305 ILCS 5/10-11.1) (from Ch. 23, par. 10-11.1)

24 Sec. 10-11.1. (a) Whenever it is determined in a
25 proceeding under Sections 10-6, 10-7, 10-11 or 10-17.1 that
26 the responsible relative is unemployed, and support is sought
27 on behalf of applicants for or recipients of financial aid
28 under Article IV of this Code or other persons who are given
29 access to the child and spouse support services of this
30 Article as provided in Section 10-1, the administrative
31 enforcement unit may order the responsible relative to report
32 to the Illinois Department for participation in job search,
33 training or work programs established under Section 9-6 and

1 Article IXA of this Code or to the Illinois Department of
2 Employment Security for job search services or to make
3 application with the local Job Jobs Training Partnership Act
4 provider for participation in job search, training or work
5 programs.

6 (b) Whenever it is determined that a responsible
7 relative owes past-due support for a child under an
8 administrative support order entered under subsection (b) of
9 Section 10-7 or under Section 10-11 or 10-17.1 and the child
10 is receiving assistance under this Code, the administrative
11 enforcement unit shall order the following:

12 (1) that the responsible relative pay the past-due
13 support in accordance with a plan approved by the
14 administrative enforcement unit; or

15 (2) if the responsible relative owing past-due
16 support is unemployed, is subject to such a plan, and is
17 not incapacitated, that the responsible relative
18 participate in job search, training, or work programs
19 established under Section 9-6 and Article IXA of this
20 Code.

21 (Source: P.A. 90-18, eff. 7-1-97; revised 2-23-00.)

22 (305 ILCS 5/10-15) (from Ch. 23, par. 10-15)

23 Sec. 10-15. Enforcement of administrative order; costs
24 and fees. If a responsible relative refuses, neglects, or
25 fails to comply with a final administrative support or
26 reimbursement order of the Illinois Department entered by the
27 Child and Spouse Support Unit pursuant to Sections 10-11 or
28 10-11.1 or registered pursuant to Section 10-17.1, the Child
29 and Spouse Support Unit may file suit against the responsible
30 relative or relatives to secure compliance with the
31 administrative order.

32 Suits shall be instituted in the name of the People of
33 the State of Illinois on the relation of the Department of

1 Public Aid of the State of Illinois and the spouse or
2 dependent children for whom the support order has been
3 issued.

4 The court shall order the payment of the support
5 obligation, or orders for reimbursement of moneys for support
6 provided, directly to the Illinois Department but the order
7 shall permit the Illinois Department to direct the
8 responsible relative or relatives to make payments of support
9 directly to the spouse or dependent children, or to some
10 person or agency in his or their behalf, as provided in
11 Section 10-8 or 10-10, as applicable.

12 Whenever it is determined in a proceeding to enforce an
13 administrative order that the responsible relative is
14 unemployed, and support is sought on behalf of applicants for
15 or recipients of financial aid under Article IV of this Code
16 or other persons who are given access to the child and spouse
17 support services of this Article as provided in Section 10-1,
18 the court may order the responsible relative to seek
19 employment and report periodically to the court with a diary,
20 listing or other memorandum of his or her efforts in
21 accordance with such order. In addition, the court may order
22 the unemployed responsible relative to report to the Illinois
23 Department for participation in job search, training or work
24 programs established under Section 9-6 of this Code or to the
25 Illinois Department of Employment Security for job search
26 services or to make application with the local Job Jobs
27 Training Partnership Act provider for participation in job
28 search, training or work programs.

29 Charges imposed in accordance with the provisions of
30 Section 10-21 shall be enforced by the Court in a suit filed
31 under this Section.

32 To the extent the provisions of this Section are
33 inconsistent with the requirements pertaining to the State
34 Disbursement Unit under Sections 10-10.4 and 10-26 of this

1 Code, the requirements pertaining to the State Disbursement
2 Unit shall apply.

3 (Source: P.A. 91-212, eff. 7-20-99; revised 2-23-00.)

4 (305 ILCS 5/10-16) (from Ch. 23, par. 10-16)

5 Sec. 10-16. Judicial enforcement of court and
6 administrative support orders. Court orders entered in
7 proceedings under Section 10-10 and court orders for
8 enforcement of an administrative order under Section 10-15
9 and for the payment of money may be enforced by attachment as
10 for contempt against the persons of the defendants, and in
11 addition, as other judgments for the payment of money, and
12 costs may be adjudged against the defendants and apportioned
13 among them; but if the complaint is dismissed, costs shall be
14 borne by the Illinois Department or the local governmental
15 unit, as the case may be. If a responsible relative is
16 directed by the Illinois Department, or the local
17 governmental unit, under the conditions stated in Section
18 10-8, to make support payments directly to the person, or to
19 some person or agency in his behalf, the court order entered
20 against him under this Section or Section 10-10 may be
21 enforced as herein provided if he thereafter fails to furnish
22 support in accordance with its terms. The State of Illinois
23 shall not be required to make a deposit for or pay any costs
24 or fees of any court or officer thereof in any proceeding
25 instituted under this Section.

26 The provisions of the Civil Practice Law, and all
27 amendments and modifications thereof, shall apply to and
28 govern all actions instituted under this Section and Section
29 10-10. In such actions proof that a person is an applicant
30 for or recipient of public aid under any Article of this Code
31 shall be prima facie proof that he is a person in necessitous
32 circumstances by reason of infirmity, unemployment or other
33 cause depriving him of the means of a livelihood compatible

1 with health and well-being.

2 Payments under this Section to the Illinois Department
3 pursuant to the Child Support Enforcement Program established
4 by Title IV-D of the Social Security Act shall be paid into
5 the Child Support Enforcement Trust Fund. All payments under
6 this Section to the Illinois Department of Human Services
7 shall be deposited in the DHS Recoveries Trust Fund.
8 Disbursements from these funds shall be as provided in
9 Sections 12-9.1 and 12-10.2 of this Code. Payments received
10 by a local governmental unit shall be deposited in that
11 unit's General Assistance Fund.

12 In addition to the penalties or punishment that may be
13 imposed under this Section, any person whose conduct
14 constitutes a violation of Section 15 1 of the Non-Support
15 Punishment of Spouse and Children Act may be prosecuted under
16 that Act Section, and a person convicted under that Act
17 Section may be sentenced in accordance with that Act Section.
18 The sentence may include but need not be limited to a
19 requirement that the person perform community service under
20 Section 50 subsection-(b) of that Act Section or participate
21 in a work alternative program under Section 50 subsection-(e)
22 of that Act Section. A person may not be required to
23 participate in a work alternative program under Section 50
24 subsection-(e) of that Act Section if the person is currently
25 participating in a work program pursuant to Section 10-11.1
26 of this Code.

27 To the extent the provisions of this Section are
28 inconsistent with the requirements pertaining to the State
29 Disbursement Unit under Sections 10-10.4 and 10-26 of this
30 Code, the requirements pertaining to the State Disbursement
31 Unit shall apply.

32 (Source: P.A. 90-733, eff. 8-11-98; 91-24, eff. 7-1-99;
33 91-212, eff. 7-20-99; revised 10-13-99.)

1 (305 ILCS 5/10-19) (from Ch. 23, par. 10-19)

2 Sec. 10-19. Support Payments Ordered Under Other Laws;
3 where deposited. The Illinois Department and local
4 governmental units are authorized to receive payments
5 directed by court order for the support of recipients, as
6 provided in the following Acts:

7 1. "Non-Support of Spouse and Children Act", approved
8 June 24, 1915, as amended,

9 1.5. The Non-Support Punishment Act,

10 2. "Illinois Marriage and Dissolution of Marriage Act",
11 as now or hereafter amended,

12 3. The Illinois Parentage Act, as amended,

13 4. "Revised Uniform Reciprocal Enforcement of Support
14 Act", approved August 28, 1969, as amended,

15 5. The Juvenile Court Act or the Juvenile Court Act of
16 1987, as amended,

17 6. The "Unified Code of Corrections", approved July 26,
18 1972, as amended,

19 7. Part 7 of Article XII of the Code of Civil Procedure,
20 as amended,

21 8. Part 8 of Article XII of the Code of Civil Procedure,
22 as amended, and

23 9. Other laws which may provide by judicial order for
24 direct payment of support moneys.

25 Payments under this Section to the Illinois Department
26 pursuant to the Child Support Enforcement Program established
27 by Title IV-D of the Social Security Act shall be paid into
28 the Child Support Enforcement Trust Fund. All payments under
29 this Section to the Illinois Department of Human Services
30 shall be deposited in the DHS Recoveries Trust Fund.
31 Disbursements from these funds shall be as provided in
32 Sections 12-9.1 and 12-10.2 of this Code. Payments received
33 by a local governmental unit shall be deposited in that
34 unit's General Assistance Fund.

1 To the extent the provisions of this Section are
 2 inconsistent with the requirements pertaining to the State
 3 Disbursement Unit under Sections 10-10.4 and 10-26 of this
 4 Code, the requirements pertaining to the State Disbursement
 5 Unit shall apply.

6 (Source: P.A. 91-24, eff. 7-1-99; 91-212, eff. 7-20-99;
 7 91-613, eff. 10-1-99; revised 9-28-99.)

8 (305 ILCS 5/12-9) (from Ch. 23, par. 12-9)

9 Sec. 12-9. Public Aid Recoveries Trust Fund; uses. The
 10 Public Aid Recoveries Trust Fund shall consist of (1)
 11 recoveries by the Illinois Department of Public Aid
 12 authorized by this Code in respect to applicants or
 13 recipients under Articles III, IV, V, and VI, including
 14 recoveries made by the Illinois Department of Public Aid from
 15 the estates of deceased recipients, (2) recoveries made by
 16 the Illinois Department of Public Aid in respect to
 17 applicants and recipients under the Children's Health
 18 Insurance Program, and (3) federal funds received on behalf
 19 of and earned by local governmental entities for services
 20 provided to applicants or recipients covered under this Code.
 21 ~~to the State--Disbursement--Unit--established--under--Section~~
 22 ~~10-26--of--this--Code--or~~ The Fund shall be held as a special
 23 fund in the State Treasury.

24 Disbursements from this Fund shall be only (1) for the
 25 reimbursement of claims collected by the Illinois Department
 26 of Public Aid through error or mistake, (2) for payment to
 27 persons or agencies designated as payees or co-payees on any
 28 instrument, whether or not negotiable, delivered to the
 29 Illinois Department of Public Aid as a recovery under this
 30 Section, such payment to be in proportion to the respective
 31 interests of the payees in the amount so collected, (3) for
 32 payments to the Department of Human Services for collections
 33 made by the Illinois Department of Public Aid on behalf of

1 the Department of Human Services under this Code, (4) from
2 the--State--Disbursement--Unit--Revolving--Fund--under--Section
3 ~~12-8-1-of-this-Code-or~~ for payment of administrative expenses
4 incurred in performing the activities authorized under this
5 Code, (5) for payment of fees to persons or agencies in the
6 performance of activities pursuant to the collection of
7 monies owed the State that are collected under this Code, (6)
8 for payments of any amounts which are reimbursable to the
9 federal government which are required to be paid by State
10 warrant by either the State or federal government, and (7)
11 for payments to local governmental entities of federal funds
12 for services provided to applicants or recipients covered
13 under this Code. Disbursements from this Fund for purposes
14 of items (4) and (5) of this paragraph shall be subject to
15 appropriations from the Fund to the Illinois Department of
16 Public Aid.

17 The balance in this Fund on the first day of each
18 calendar quarter, after payment therefrom of any amounts
19 reimbursable to the federal government, and minus the amount
20 reasonably anticipated to be needed to make the disbursements
21 during that quarter authorized by this Section, shall be
22 certified by the Director of the Illinois Department of
23 Public Aid and transferred by the State Comptroller to the
24 General Revenue Fund in the State Treasury within 30 days of
25 the first day of each calendar quarter.

26 On July 1, 1999, the State Comptroller shall transfer the
27 sum of \$5,000,000 from the Public Aid Recoveries Trust Fund
28 (formerly the Public Assistance Recoveries Trust Fund) into
29 the DHS Recoveries Trust Fund.

30 (Source: P.A. 90-255, eff. 1-1-98; 91-24, eff. 7-1-99;
31 91-212, eff. 7-20-99; revised 9-28-99.)

32 Section 76.5. The Respite Program Act is amended by
33 changing Section 2 as follows:

1 (320 ILCS 10/2) (from Ch. 23, par. 6202)

2 Sec. 2. Definitions. As used in this Act:

3 (1) "Respite care" means the provision of intermittent
4 and temporary substitute care or supervision of frail or
5 abused or functionally disabled or cognitively impaired older
6 adults on behalf of and in the absence of the primary
7 care-giver, for the purpose of providing relief from the
8 stress or responsibilities concomitant with providing
9 constant care, so as to enable the care-giver to continue the
10 provision of care in the home. Respite care should be
11 available to sustain the primary care-giver throughout the
12 period of care-giving, which can vary from several months to
13 a number of years. Respite care can be provided in the home,
14 in a community based day care setting during the day,
15 overnight, or for more extended periods of time on a
16 temporary basis.

17 (2) "Care-giver" shall mean the family member or other
18 natural person who normally provides the daily care or
19 supervision of a frail, abused or disabled elderly adult.
20 Such care-giver may, but need not, reside in the same
21 household as the frail or disabled adult.

22 (3) "Provider" shall mean any entity enumerated in
23 paragraph (1) of this Section which is the supplier of
24 services providing respite.

25 (4) "Sponsor" shall mean the provider, public agency or
26 community group approved by the Director which establishes a
27 contractual relationship with the Department for the purposes
28 of providing services to persons under this Act, and which is
29 responsible for the recruitment of providers, the
30 coordination and arrangement of provider services in a manner
31 which meets client needs, the general supervision of the
32 local program, and the submission of such information or
33 reports as may be required by the Director.

34 (5) "Director" shall mean the Director of ~~en~~ Aging.

1 (6) "Department" shall mean the Department on Aging.

2 (7) "Abused" shall have the same meaning ascribed to it
3 in Section 103 of the Illinois Domestic Violence Act of 1986.

4 (8) "Frail or disabled adult" shall mean any person
5 suffering from Alzheimer's disease and who is 55 years of age
6 or older or any adult 60 years of age or older, who is unable
7 to attend to his or her daily needs without the assistance or
8 regular supervision of a care-giver due to mental or physical
9 impairment and who is otherwise eligible for services on the
10 basis of his or her level of impairment.

11 (9) "Emergency respite care" means the immediate
12 placement of a trained, in-home respite care worker in the
13 home during an emergency or unplanned event to substitute for
14 the primary care-giver. Emergency respite care may be
15 provided in the home on one or more occasions unless an
16 extension is deemed necessary by the case coordination unit.
17 When there is an urgent need for emergency respite care,
18 procedures to accommodate this need must be determined. An
19 emergency is:

20 (a) An unplanned event that results in the
21 immediate and unavoidable absence of the primary
22 care-giver from the home in an excess of 4 hours at a
23 time when no other qualified care-giver is available.

24 (b) An unplanned situation that prevents the
25 primary care-giver from providing the care required by a
26 frail or abused or functionally disabled or cognitively
27 impaired adult living at home.

28 (c) An unplanned event that threatens the health
29 and safety of the disabled adult.

30 (d) An unplanned event that threatens the health
31 and safety of the primary care-giver thereby placing the
32 frail or abused or functionally disabled or cognitively
33 impaired older adult in danger.

34 (10) "Primary care-giver" means the spouse, relative, or

1 friend, 18 years of age or older, who provides the daily
2 in-home care and supervision of a frail or abused or
3 functionally disabled or cognitively impaired older adult. A
4 primary care-giver may, but does not need to, reside in the
5 same household as the frail or abused or functionally
6 disabled or cognitively impaired adult. A primary care-giver
7 requires intermittent relief from his or her ~~their~~ caregiving
8 duties to continue to function as the primary care-giver.
9 (Source: P.A. 91-357, eff. 7-29-99; revised 2-23-00.)

10 Section 77. The Elder Abuse and Neglect Act is amended
11 by changing Sections 2 and 3.5 as follows:

12 (320 ILCS 20/2) (from Ch. 23, par. 6602)

13 Sec. 2. Definitions. As used in this Act, unless the
14 context requires otherwise:

15 (a) "Abuse" means causing any physical, mental or sexual
16 injury to an eligible adult, including exploitation of such
17 adult's financial resources.

18 Nothing in this Act shall be construed to mean that an
19 eligible adult is a victim of abuse or neglect for the sole
20 reason that he or she is being furnished with or relies upon
21 treatment by spiritual means through prayer alone, in
22 accordance with the tenets and practices of a recognized
23 church or religious denomination.

24 Nothing in this Act shall be construed to mean that an
25 eligible adult is a victim of abuse because of health care
26 services provided or not provided by licensed health care
27 professionals.

28 (a-5) "Abuser" means a person who abuses, neglects, or
29 financially exploits an eligible adult.

30 (a-7) "Caregiver" means a person who either as a result
31 of a family relationship, voluntarily, or in exchange for
32 compensation has assumed responsibility for all or a portion

1 of the care of an eligible adult who needs assistance with
2 activities of daily living.

3 (b) "Department" means the Department on Aging of the
4 State of Illinois.

5 (c) "Director" means the Director of the Department.

6 (d) "Domestic living situation" means a residence where
7 the eligible adult lives alone or with his or her family or a
8 caregiver, or others, or a board and care home or other
9 community-based unlicensed facility, but is not:

10 (1) A licensed facility as defined in Section 1-113
11 of the Nursing Home Care Act;

12 (2) A "life care facility" as defined in the Life
13 Care Facilities Act;

14 (3) A home, institution, or other place operated by
15 the federal government or agency thereof or by the State
16 of Illinois;

17 (4) A hospital, sanitarium, or other institution,
18 the principal activity or business of which is the
19 diagnosis, care, and treatment of human illness through
20 the maintenance and operation of organized facilities
21 therefor, which is required to be licensed under the
22 Hospital Licensing Act;

23 (5) A "community living facility" as defined in the
24 Community Living Facilities Licensing Act;

25 (6) A "community residential alternative" as
26 defined in the Community Residential Alternatives
27 Licensing Act; and

28 (7) A "community-integrated living arrangement" as
29 defined in the Community-Integrated Living Arrangements
30 Licensure and Certification Act.

31 (e) "Eligible adult" means a person 60 years of age or
32 older who resides in a domestic living situation and is, or
33 is alleged to be, abused, neglected, or financially exploited
34 by another individual.

1 (f) "Emergency" means a situation in which an eligible
2 adult is living in conditions presenting a risk of death or
3 physical, mental or sexual injury and the provider agency has
4 reason to believe the eligible adult is unable to consent to
5 services which would alleviate that risk.

6 (f-5) "Mandated reporter" means any of the following
7 persons while engaged in carrying out their professional
8 duties:

9 (1) a professional or professional's delegate while
10 engaged in: (i) social services, (ii) law enforcement,
11 (iii) education, (iv) the care of an eligible adult or
12 eligible adults, or (v) any of the occupations required
13 to be licensed under the Clinical Psychologist Licensing
14 Act, the Clinical Social Work and Social Work Practice
15 Act, the Illinois Dental Practice Act, the Dietetic and
16 Nutrition Services Practice Act, the Marriage and Family
17 Therapy Licensing Act, the Medical Practice Act of 1987,
18 the Naprapathic Practice Act, the Nursing and Advanced
19 Practice Nursing Act, the Nursing Home Administrators
20 Licensing and Disciplinary Act, the Illinois
21 Occupational Therapy Practice Act, the Illinois
22 Optometric Practice Act of 1987, the Pharmacy Practice
23 Act of 1987, the Illinois Physical Therapy Act, the
24 Physician Assistant Practice Act of 1987, the Podiatric
25 Medical Practice Act of 1987, the Respiratory Care
26 Practice Act, the Professional Counselor and Clinical
27 Professional Counselor Licensing Act, the Illinois
28 Speech-Language Pathology and Audiology Practice Act, the
29 Veterinary Medicine and Surgery Practice Act of 1994, and
30 the Illinois Public Accounting Act;

31 (2) an employee of a vocational rehabilitation
32 facility prescribed or supervised by the Department of
33 Human Services;

34 (3) an administrator, employee, or person providing

1 services in or through an unlicensed community based
2 facility;

3 (4) a Christian Science Practitioner;

4 (5) field personnel of the Department of Public
5 Aid, Department of Public Health, and Department of Human
6 Services, and any county or municipal health department;

7 (6) personnel of the Department of Human Services,
8 the Guardianship and Advocacy Commission, the State Fire
9 Marshal, local fire departments, the Department on Aging
10 and its subsidiary Area Agencies on Aging and provider
11 agencies, and the Office of State Long Term Care
12 Ombudsman;

13 (7) any employee of the State of Illinois not
14 otherwise specified herein who is involved in providing
15 services to eligible adults, including professionals
16 providing medical or rehabilitation services and all
17 other persons having direct contact with eligible adults;

18 or

19 (8) a person who performs the duties of a coroner
20 or medical examiner.

21 (g) "Neglect" means another individual's failure to
22 provide an eligible adult with or willful withholding from an
23 eligible adult the necessities of life including, but not
24 limited to, food, clothing, shelter or medical care. This
25 subsection does not create any new affirmative duty to
26 provide support to eligible adults. Nothing in this Act
27 shall be construed to mean that an eligible adult is a victim
28 of neglect because of health care services provided or not
29 provided by licensed health care professionals.

30 (h) "Provider agency" means any public or nonprofit
31 agency in a planning and service area appointed by the
32 regional administrative agency with prior approval by the
33 Department on Aging to receive and assess reports of alleged
34 or suspected abuse, neglect, or financial exploitation.

1 (i) "Regional administrative agency" means any public or
2 nonprofit agency in a planning and service area so designated
3 by the Department, provided that the designated Area Agency
4 on Aging shall be designated the regional administrative
5 agency if it so requests. The Department shall assume the
6 functions of the regional administrative agency for any
7 planning and service area where another agency is not so
8 designated.

9 (j) "Substantiated case" means a reported case of
10 alleged or suspected abuse, neglect, or financial
11 exploitation in which a provider agency, after assessment,
12 determines that there is reason to believe abuse, neglect, or
13 financial exploitation has occurred.

14 (Source: P.A. 90-628, eff. 1-1-99; 91-259, eff. 1-1-00;
15 91-357, eff. 7-29-99; 91-533, eff. 8-13-99; revised 8-30-99.)

16 (320 ILCS 20/3.5)

17 Sec. 3.5. Other Responsibilities. The Department shall
18 also be responsible for the following activities, contingent
19 upon adequate funding:

20 (a) promotion of a wide range of endeavors for the
21 purpose of preventing elder abuse, neglect, and financial
22 exploitation in both domestic and institutional settings,
23 including, but not limited to, promotion of public and
24 professional education to increase awareness of elder abuse,
25 neglect, and financial exploitation, to increase reports, and
26 to improve response by various legal, financial, social, and
27 health systems;

28 (b) coordination of efforts with other agencies,
29 councils, and like entities, to include but not be limited
30 to, the Office of the Attorney General, the State Police, the
31 Illinois Law Enforcement Training and Standards Board, the
32 State Triad, the Criminal Justice Information Authority, the
33 Departments of Public Health, Public Aid, and Human Services,

1 the Family Violence Coordinating Council, the Violence
2 Prevention Authority, and other entities which may impact
3 awareness of, and response to, elder abuse, neglect, and
4 financial exploitation;

5 (c) collection and analysis of data;

6 (d) monitoring of the performance of regional
7 administrative agencies and elder abuse provider agencies;
8 and

9 (e) promotion of prevention activities.

10 (Source: P.A. 90-628, eff. 1-1-99; revised 2-23-00.)

11 Section 78. The Abused and Neglected Child Reporting Act
12 is amended by changing Section 4 as follows:

13 (325 ILCS 5/4) (from Ch. 23, par. 2054)

14 Sec. 4. Persons required to report; privileged
15 communications; transmitting false report. Any physician,
16 resident, intern, hospital, hospital administrator and
17 personnel engaged in examination, care and treatment of
18 persons, surgeon, dentist, dentist hygienist, osteopath,
19 chiropractor, podiatrist, physician assistant, substance
20 abuse treatment personnel, Christian Science practitioner,
21 funeral home director or employee, coroner, medical examiner,
22 emergency medical technician, acupuncturist, crisis line or
23 hotline personnel, school personnel, educational advocate
24 assigned to a child pursuant to the School Code, truant
25 officers, social worker, social services administrator,
26 domestic violence program personnel, registered nurse,
27 licensed practical nurse, respiratory care practitioner,
28 advanced practice nurse, home health aide, director or staff
29 assistant of a nursery school or a child day care center,
30 recreational program or facility personnel, law enforcement
31 officer, registered psychologist and assistants working
32 under the direct supervision of a psychologist, psychiatrist,

1 or field personnel of the Illinois Department of Public Aid,
2 Public Health, Human Services (acting as successor to the
3 Department of Mental Health and Developmental Disabilities,
4 Rehabilitation Services, or Public Aid), Corrections, Human
5 Rights, or Children and Family Services, supervisor and
6 administrator of general assistance under the Illinois Public
7 Aid Code, probation officer, or any other foster parent,
8 homemaker or child care worker having reasonable cause to
9 believe a child known to them in their professional or
10 official capacity may be an abused child or a neglected child
11 shall immediately report or cause a report to be made to the
12 Department. Whenever such person is required to report under
13 this Act in his capacity as a member of the staff of a
14 medical or other public or private institution, school,
15 facility or agency, he shall make report immediately to the
16 Department in accordance with the provisions of this Act and
17 may also notify the person in charge of such institution,
18 school, facility or agency or his designated agent that such
19 report has been made. Under no circumstances shall any
20 person in charge of such institution, school, facility or
21 agency, or his designated agent to whom such notification has
22 been made, exercise any control, restraint, modification or
23 other change in the report or the forwarding of such report
24 to the Department. The privileged quality of communication
25 between any professional person required to report and his
26 patient or client shall not apply to situations involving
27 abused or neglected children and shall not constitute grounds
28 for failure to report as required by this Act. In addition
29 to the above persons required to report suspected cases of
30 abused or neglected children, any other person may make a
31 report if such person has reasonable cause to believe a child
32 may be an abused child or a neglected child. Any person who
33 enters into employment on and after July 1, 1986 and is
34 mandated by virtue of that employment to report under this

1 Act, shall sign a statement on a form prescribed by the
2 Department, to the effect that the employee has knowledge and
3 understanding of the reporting requirements of this Act. The
4 statement shall be signed prior to commencement of the
5 employment. The signed statement shall be retained by the
6 employer. The cost of printing, distribution, and filing of
7 the statement shall be borne by the employer. The Department
8 shall provide copies of this Act, upon request, to all
9 employers employing persons who shall be required under the
10 provisions of this Section to report under this Act.

11 Any person who knowingly transmits a false report to the
12 Department commits the offense of disorderly conduct under
13 subsection (a)(7) of Section 26-1 of the "Criminal Code of
14 1961". Any person who violates this provision a second or
15 subsequent time shall be guilty of a Class 4 felony.

16 Any person who knowingly and willfully violates any
17 provision of this Section other than a second or subsequent
18 violation of transmitting a false report as described in the
19 preceding paragraph, shall be guilty of a Class A
20 misdemeanor.

21 A child whose parent, guardian or custodian in good faith
22 selects and depends upon spiritual means through prayer
23 alone for the treatment or cure of disease or remedial care
24 may be considered neglected or abused, but not for the sole
25 reason that his parent, guardian or custodian accepts and
26 practices such beliefs.

27 A child shall not be considered neglected or abused
28 solely because the child is not attending school in
29 accordance with the requirements of Article 26 of the School
30 Code, as amended.

31 (Source: P.A. 90-116, eff. 7-14-97; 91-259, eff. 1-1-00;
32 91-516, eff. 8-13-99; revised 10-14-99.)

33 Section 78.5. The Mental Health and Developmental

1 Disabilities Code is amended by changing Sections 2-107.1,
2 3-603, 3-704, and 3-820 as follows:

3 (405 ILCS 5/2-107.1) (from Ch. 91 1/2, par. 2-107.1)
4 Sec. 2-107.1. Administration of authorized involuntary
5 treatment upon application to a court.

6 (a) An adult recipient of services and the recipient's
7 guardian, if the recipient is under guardianship, and the
8 substitute decision maker, if any, shall be informed of the
9 recipient's right to refuse medication. The recipient and the
10 recipient's guardian or substitute decision maker shall be
11 given the opportunity to refuse generally accepted mental
12 health or developmental disability services, including but
13 not limited to medication.

14 (a-5) Notwithstanding the provisions of Section 2-107 of
15 this Code, authorized involuntary treatment may be
16 administered to an adult recipient of services without the
17 informed consent of the recipient under the following
18 standards:

19 (1) Any person 18 years of age or older, including
20 any guardian, may petition the circuit court for an order
21 authorizing the administration of authorized involuntary
22 treatment to a recipient of services. The petition shall
23 state that the petitioner has made a good faith attempt
24 to determine whether the recipient has executed a power
25 of attorney for health care under the Powers of Attorney
26 for Health Care Law or a declaration for mental health
27 treatment under the Mental Health Treatment Preference
28 Declaration Act and to obtain copies of these instruments
29 if they exist. If either of the above-named instruments
30 is available to the petitioner, the instrument or a copy
31 of the instrument shall be attached to the petition as an
32 exhibit. The petitioner shall deliver a copy of the
33 petition, and notice of the time and place of the

1 hearing, to the respondent, his or her attorney, any
2 known agent or attorney-in-fact, if any, and the
3 guardian, if any, no later than 3 days prior to the date
4 of the hearing. Service of the petition and notice of the
5 time and place of the hearing may be made by transmitting
6 them via facsimile machine to the respondent or other
7 party. Upon receipt of the petition and notice, the
8 party served, or the person delivering the petition and
9 notice to the party served, shall acknowledge service.
10 If the party sending the petition and notice does not
11 receive acknowledgement of service within 24 hours,
12 service must be made by personal service.

13 ~~If--the--hearing-is-requested-to-be-held-immediately~~
14 ~~following-the--hearing--on--a--petition--for--involuntary~~
15 ~~admission,--then-the-notice-requirement-shall-be-the-same~~
16 ~~as-that-for-the-hearing-on-the-petition--for--involuntary~~
17 ~~admission,--and--the--petition--filed--pursuant--to--this~~
18 ~~Section--shall-be-filed-with-the-petition-for-involuntary~~
19 ~~admission.~~ The petition may include a request that the
20 court authorize such testing and procedures as may be
21 essential for the safe and effective administration of
22 the authorized involuntary treatment sought to be
23 administered, but only where the petition sets forth the
24 specific testing and procedures sought to be
25 administered.

26 If a hearing is requested to be held immediately
27 following the hearing on a petition for involuntary
28 admission, then the notice requirement shall be the same
29 as that for the hearing on the petition for involuntary
30 admission, and the petition filed pursuant to this
31 Section shall be filed with the petition for involuntary
32 admission.

33 (2) The court shall hold a hearing within 7 days of
34 the filing of the petition. The People, the petitioner,

1 or the respondent shall be entitled to a continuance of
2 up to 7 days as of right. An additional continuance of
3 not more than 7 days may be granted to any party (i) upon
4 a showing that the continuance is needed in order to
5 adequately prepare for or present evidence in a hearing
6 under this Section or (ii) under exceptional
7 circumstances. The court may grant an additional
8 continuance not to exceed 21 days when, in its
9 discretion, the court determines that such a continuance
10 is necessary in order to provide the recipient with an
11 examination pursuant to Section 3-803 or 3-804 of this
12 Act, to provide the recipient with a trial by jury as
13 provided in Section 3-802 of this Act, or to arrange for
14 the substitution of counsel as provided for by the
15 Illinois Supreme Court Rules. The hearing shall be
16 separate from a judicial proceeding held to determine
17 whether a person is subject to involuntary admission but
18 may be heard immediately preceding or following such a
19 judicial proceeding and may be heard by the same trier of
20 fact or law as in that judicial proceeding.

21 (3) Unless otherwise provided herein, the
22 procedures set forth in Article VIII of Chapter 3 of this
23 Act, including the provisions regarding appointment of
24 counsel, shall govern hearings held under this subsection
25 (a-5).

26 (4) Authorized involuntary treatment shall not be
27 administered to the recipient unless it has been
28 determined by clear and convincing evidence that all of
29 the following factors are present:

30 (A) That the recipient has a serious mental
31 illness or developmental disability.

32 (B) That because of said mental illness or
33 developmental disability, the recipient exhibits any
34 one of the following: (i) deterioration of his or

1 her ability to function, (ii) suffering, or (iii)
2 threatening behavior.

3 (C) That the illness or disability has existed
4 for a period marked by the continuing presence of
5 the symptoms set forth in item (B) of this
6 subdivision (4) or the repeated episodic occurrence
7 of these symptoms.

8 (D) That the benefits of the treatment
9 outweigh the harm.

10 (E) That the recipient lacks the capacity to
11 make a reasoned decision about the treatment.

12 (F) That other less restrictive services have
13 been explored and found inappropriate.

14 (G) If the petition seeks authorization for
15 testing and other procedures, that such testing and
16 procedures are essential for the safe and effective
17 administration of the treatment.

18 (5) In no event shall an order issued under this
19 Section be effective for more than 90 days. A second
20 90-day period of involuntary treatment may be authorized
21 pursuant to a hearing that complies with the standards
22 and procedures of this subsection (a-5). Thereafter,
23 additional 180-day periods of involuntary treatment may
24 be authorized pursuant to the standards and procedures of
25 this Section without limit. If a new petition to
26 authorize the administration of authorized involuntary
27 treatment is filed at least 15 days prior to the
28 expiration of the prior order, and if any continuance of
29 the hearing is agreed to by the recipient, the
30 administration of the treatment may continue in
31 accordance with the prior order pending the completion of
32 a hearing under this Section.

33 (6) An order issued under this subsection (a-5)
34 shall designate the persons authorized to administer the

1 authorized involuntary treatment under the standards and
2 procedures of this subsection (a-5). Those persons shall
3 have complete discretion not to administer any treatment
4 authorized under this Section. The order shall also
5 specify the medications and the anticipated range of
6 dosages that have been authorized.

7 (b) A guardian may be authorized to consent to the
8 administration of authorized involuntary treatment to an
9 objecting recipient only under the standards and procedures
10 of subsection (a-5).

11 (c) Notwithstanding any other provision of this Section,
12 a guardian may consent to the administration of authorized
13 involuntary treatment to a non-objecting recipient under
14 Article XIa of the Probate Act of 1975.

15 (d) Nothing in this Section shall prevent the
16 administration of authorized involuntary treatment to
17 recipients in an emergency under Section 2-107 of this Act.

18 (e) Notwithstanding any of the provisions of this
19 Section, authorized involuntary treatment may be administered
20 pursuant to a power of attorney for health care under the
21 Powers of Attorney for Health Care Law or a declaration for
22 mental health treatment under the Mental Health Treatment
23 Preference Declaration Act.

24 (Source: P.A. 90-538, eff. 12-1-97; 91-726, eff. 6-2-00;
25 91-787, eff. 1-1-01; revised 6-28-00.)

26 (405 ILCS 5/3-603) (from Ch. 91 1/2, par. 3-603)

27 Sec. 3-603. (a) If no physician, qualified examiner, or
28 clinical psychologist is immediately available or it is not
29 possible after a diligent effort to obtain the certificate
30 provided for in Section 3-602, the respondent may be detained
31 for examination in a mental health facility upon presentation
32 of the petition alone pending the obtaining of such a
33 certificate.

1 (b) In such instance the petition shall conform to the
2 requirements of Section 3-601 and further specify that:

3 1. the petitioner believes, as a result of his
4 personal observation, that the respondent is subject to
5 involuntary admission;

6 2. a diligent effort was made to obtain a
7 certificate;

8 3. no physician, qualified examiner, or clinical
9 psychologist could be found who has examined or could
10 examine the respondent; and

11 4. a diligent effort has been made to convince the
12 respondent to appear voluntarily for examination by a
13 physician, qualified examiner, or clinical psychologist,
14 unless the petitioner reasonably believes that effort
15 would impose a risk of harm to the respondent or others.

16 (Source: P.A. 91-726, eff. 6-2-00; 91-837, eff. 6-16-00;
17 revised 7-5-00.)

18 (405 ILCS 5/3-704) (from Ch. 91 1/2, par. 3-704)

19 Sec. 3-704. Examination; detention.

20 (a) The respondent shall be permitted to remain in his
21 or her place of residence pending any examination. The
22 respondent may be accompanied by one or more of his or her
23 relatives or friends or by his or her attorney to the place
24 of examination. If, however, the court finds that it is
25 necessary in order to complete the examination the court may
26 order that the person be admitted to a mental health facility
27 pending examination and may order a peace officer or other
28 person to transport the person there. The examination shall
29 be conducted at a local mental health facility or hospital
30 or, if possible, in the respondent's own place of residence.
31 No person may be detained for examination under this Section
32 for more than 24 hours. The person shall be released upon
33 completion of the examination unless the physician, qualified

1 examiner or clinical psychologist executes a certificate
2 stating that the person is subject to involuntary admission
3 and in need of immediate hospitalization to protect such
4 person or others from physical harm. Upon admission under
5 this Section treatment may be given pursuant to Section
6 3-608.

7 (a-5) Whenever a respondent has been transported to a
8 mental health facility for an examination, the admitting
9 facility shall inquire, upon the respondent's arrival,
10 whether the respondent wishes any person or persons to be
11 notified of his or her detention at that facility. If the
12 respondent does wish to have any person or persons notified
13 of his or her detention at the facility, the facility must
14 promptly make all reasonable attempts to locate the
15 individual identified by the respondent, or at least 2
16 individuals identified by the respondent if more than one has
17 been identified, and notify them of the respondent's
18 detention at the facility for a mandatory examination
19 pursuant to court order.

20 (b) Not later than 24 hours, excluding Saturdays,
21 Sundays, and holidays, after admission under this Section,
22 the respondent shall be asked if he desires the petition and
23 the notice required under Section 3-206 sent to any other
24 persons and at least 2 such persons designated by the
25 respondent shall be sent the documents. At the time of his
26 admission the respondent shall be allowed to complete not
27 fewer than 2 telephone calls to such persons as he chooses.

28 (Source: P.A. 91-726, eff. 6-2-00; 91-837, eff. 6-16-00;
29 revised 7-5-00.)

30 (405 ILCS 5/3-820) (from Ch. 91 1/2, par. 3-820)

31 Sec. 3-820. Domestic violence; i order of protection. An
32 order of protection, as defined in the Illinois Domestic
33 Violence Act of 1986, as--enacted--by--the--84th--General

1 Assembly, may be issued in conjunction with a proceeding for
2 involuntary commitment if the petition for an order of
3 protection alleges that a person who is party to or the
4 subject of the proceeding has been abused by or has abused a
5 family or household member. The Illinois Domestic Violence
6 Act of 1986 shall govern the issuance, enforcement, and
7 recording of orders order of protection issued under this
8 Section.

9 (Source: P.A. 84-1305; revised 2-23-00.)

10 Section 79. The Illinois Rural/Downstate Health Act is
11 amended by changing Section 4 as follows:

12 (410 ILCS 65/4) (from Ch. 111 1/2, par. 8054)

13 Sec. 4. The Center shall have the authority:

14 (a) To assist rural communities and communities in
15 designated shortage areas by providing technical assistance
16 to community leaders in defining their specific health care
17 needs and identifying strategies to address those needs.

18 (b) To link rural communities and communities in
19 designated shortage areas with other units in the Department
20 or other State agencies which can assist in the solution of a
21 health care access problem.

22 (c) To maintain and disseminate information on
23 innovative health care strategies, either directly or
24 indirectly.

25 (d) To administer State or federal grant programs
26 relating to rural health or medically underserved areas
27 established by State or federal law for which funding has
28 been made available.

29 (e) To promote the development of primary care services
30 in rural areas and designated shortage areas. Subject to
31 available appropriations, the Department may annually award
32 grants of up to \$300,000 each to enable the health services

1 in those areas to offer multi-service comprehensive
2 ambulatory care, thereby improving access to primary care
3 services. Grants may cover operational and facility
4 construction and renovation expenses, including but not
5 limited to the cost of personnel, medical supplies and
6 equipment, patient transportation, and health provider
7 recruitment. The Department shall prescribe by rule standards
8 and procedures for the provision of local matching funds in
9 relation to each grant application. Grants provided under
10 this paragraph (e) shall be in addition to support and
11 assistance provided under subsection (a) of Section 2310-200
12 of the Department of Public Health Powers and Duties Law (20
13 ILCS 2310/2310-200). Eligible applicants shall include, but
14 not be limited to, community-based organizations, hospitals,
15 local health departments, and Community Health Centers as
16 defined in Section 4.1 of this Act.

17 (f) To annually provide grants from available
18 appropriations to hospitals located in medically underserved
19 areas or health manpower shortage areas as defined by the
20 United States Department of Health and Human Services, whose
21 governing boards include significant representation of
22 consumers of hospital services residing in the area served by
23 the hospital, and which agree not to discriminate in any way
24 against any consumer of hospital services based upon the
25 consumer's source of payment for those services. Grants that
26 may be awarded under this paragraph (f) shall be limited to
27 \$500,000 and shall not exceed 50% of the total project need
28 indicated in each application. Expenses covered by the grants
29 may include but are not limited to facility renovation,
30 equipment acquisition and maintenance, recruitment of health
31 personnel, diversification of services, and joint venture
32 arrangements.

33 (g) To establish a recruitment center which shall
34 actively recruit physicians and other health care

1 practitioners to participate in the program, maintain
2 contacts with participating practitioners, actively promote
3 health care professional practice in designated shortage
4 areas, assist in matching the skills of participating medical
5 students with the needs of community health centers in
6 designated shortage areas, and assist participating medical
7 students in locating in designated shortage areas.

8 (h) To assist communities in designated shortage areas
9 find alternative services or temporary health care providers
10 when existing health care providers are called into active
11 duty with the armed forces of the United States.

12 (i) To develop, in cooperation with the Illinois
13 Development Finance Authority, financing programs whose goals
14 and purposes shall be to provide moneys to carry out the
15 purpose of this Act, including, but not limited to, revenue
16 bond programs, revolving loan programs, equipment leasing
17 programs, and working cash programs. The Department may
18 transfer to the Illinois Development Finance Authority, into
19 an account outside of the State treasury, moneys in special
20 funds of the Department for the purposes of establishing
21 those programs. The disposition of any moneys so transferred
22 shall be determined by an interagency agreement.

23 (Source: P.A. 91-239, eff. 1-1-00; 91-357, eff. 7-29-99;
24 revised 8-5-99.)

25 Section 79.5. The Vital Records Act is amended by
26 changing Section 25.5 as follows:

27 (410 ILCS 535/25.5)

28 Sec. 25.5. Death Certificate Surcharge Fund. The
29 additional \$2 fee for certified copies of death certificates
30 and fetal death certificates must be deposited into the Death
31 Certificate Surcharge Fund, a special fund created in the
32 State treasury. Moneys in the Fund, subject to

1 appropriations, may be used as follows: (i) 25% by the
 2 Illinois Law Enforcement Training and Standards Board for the
 3 purpose of training coroners, (ii) 25% by the Illinois
 4 Necropsy Board for equipment and lab facilities, (iii) 25% by
 5 the Department of Public Health for the purpose of setting up
 6 a statewide database of death certificates, and (iv) 25% for
 7 a grant by the Department of Public Health to the Cook County
 8 Health Department.

9 (Source: P.A. 91-382, eff. 7-30-99; revised 2-23-00.)

10 Section 80. The Environmental Protection Act is amended
 11 by changing Sections 19.2, 19.3, 19.4, 19.5, 19.6, 31.1, and
 12 55.6 and by setting forth and renumbering multiple versions
 13 of Section 58.15 as follows:

14 (415 ILCS 5/19.2) (from Ch. 111 1/2, par. 1019.2)

15 Sec. 19.2. As used in this Title, unless the context
 16 clearly requires otherwise:

17 (a) "Agency" means the Illinois Environmental Protection
 18 Agency.

19 (b) "Fund" means the Water Revolving Fund created
 20 pursuant to this Title, consisting of the Water Pollution
 21 Control Loan Program, the Public Water Supply Loan Program,
 22 and the Loan Support Program.

23 (c) "Loan" means a loan made from the Water Pollution
 24 Control Loan Program or the Public Water Supply Loan Program
 25 to an eligible applicant ~~or a privately-owned-community-water~~
 26 ~~supply~~ as a result of a contractual agreement between the
 27 Agency and such applicant ~~or privately-owned-community--water~~
 28 ~~supply~~.

29 (d) "Construction" means any one or more of the
 30 following which is undertaken for a public purpose:
 31 preliminary planning to determine the feasibility of the
 32 treatment works or public water supply, engineering,

1 architectural, legal, fiscal or economic investigations or
2 studies, surveys, designs, plans, working drawings,
3 specifications, procedures or other necessary actions,
4 erection, building, acquisition, alteration, remodeling,
5 improvement or extension of treatment works or public water
6 supplies, or the inspection or supervision of any of the
7 foregoing items. "Construction" also includes implementation
8 of source water quality protection measures and establishment
9 and implementation of wellhead protection programs in
10 accordance with Section 1452(k)(1) of the federal Safe
11 Drinking Water Act.

12 (e) "Intended use plan" means a plan which includes a
13 description of the short and long term goals and objectives
14 of the Water Pollution Control Loan Program and the Public
15 Water Supply Loan Program, project categories, discharge
16 requirements, terms of financial assistance and the loan
17 applicants ~~local--government--units--and--privately--owned~~
18 ~~community-water-supplies~~ to be served.

19 (f) "Treatment works" means any devices and systems
20 owned by a local government unit and used in the storage,
21 treatment, recycling, and reclamation of sewerage or
22 industrial wastes of a liquid nature, including intercepting
23 sewers, outfall sewers, sewage collection systems, pumping
24 power and other equipment, and appurtenances; extensions,
25 improvements, remodeling, additions, and alterations thereof;
26 elements essential to provide a reliable recycled supply,
27 such as standby treatment units and clear well facilities;
28 and any works, including site acquisition of the land that
29 will be an integral part of the treatment process for
30 wastewater facilities.

31 (g) "Local government unit" means a county,
32 municipality, township, municipal or county sewerage or
33 utility authority, sanitary district, public water district,
34 improvement authority or any other political subdivision

1 whose primary purpose is to construct, operate and maintain
2 wastewater treatment facilities or public water supply
3 facilities or both.

4 (h) "Privately owned community water supply" means:

5 (1) an investor-owned water utility, if under
6 Illinois Commerce Commission regulation and operating as
7 a separate and distinct water utility;

8 (2) a not-for-profit water corporation, if
9 operating specifically as a water utility; and

10 (3) a mutually owned or cooperatively owned
11 community water system, if operating as a separate water
12 utility.

13 (Source: P.A. 90-121, eff. 7-17-97; 91-36, eff. 6-15-99;
14 91-52, eff. 6-30-99; 91-501, eff. 8-13-99; revised 10-13-99.)

15 (415 ILCS 5/19.3) (from Ch. 111 1/2, par. 1019.3)

16 Sec. 19.3. Water Revolving Fund.

17 (a) There is hereby created within the State Treasury a
18 Water Revolving Fund, consisting of 3 interest-bearing
19 special programs to be known as the Water Pollution Control
20 Loan Program, the Public Water Supply Loan Program, and the
21 Loan Support Program, which shall be used and administered by
22 the Agency.

23 (b) The Water Pollution Control Loan Program shall be
24 used and administered by the Agency to provide assistance for
25 the following purposes:

26 (1) to accept and retain funds from grant awards,
27 appropriations, transfers, and payments of interest and
28 principal;

29 (2) to make direct loans at or below market
30 interest rates to any eligible local government unit to
31 finance the construction of wastewater treatments works;

32 (3) to make direct loans at or below market
33 interest rates to any eligible local government unit to

1 buy or refinance debt obligations for treatment works
2 incurred after March 7, 1985;

3 (3.5) to make direct loans at or below market
4 interest rates for the implementation of a management
5 program established under Section 319 of the Federal
6 Water Pollution Control Act, as amended;

7 (4) to guarantee or purchase insurance for local
8 obligations where such action would improve credit market
9 access or reduce interest rates;

10 (5) as a source of revenue or security for the
11 payment of principal and interest on revenue or general
12 obligation bonds issued by the State or any political
13 subdivision or instrumentality thereof, if the proceeds
14 of such bonds will be deposited in the Fund;

15 (6) to finance the reasonable costs incurred by the
16 Agency in the administration of the Fund; and

17 (7) (blank).

18 (c) The Loan Support Program shall be used and
19 administered by the Agency for the following purposes:

20 (1) to accept and retain funds from grant awards
21 and appropriations;

22 (2) to finance the reasonable costs incurred by the
23 Agency in the administration of the Fund, including
24 activities under Title III of this Act, including the
25 administration of the State construction grant program;

26 (3) to transfer funds to the Water Pollution
27 Control Loan Program and the Public Water Supply Loan
28 Program;

29 (4) to accept and retain a portion of the loan
30 repayments;

31 (5) to finance the development of the low interest
32 loan program for public water supply projects;

33 (6) to finance the reasonable costs incurred by the
34 Agency to provide technical assistance for public water

1 supplies; and

2 (7) to finance the reasonable costs incurred by the
3 Agency for public water system supervision programs, to
4 administer or provide for technical assistance through
5 source water protection programs, to develop and
6 implement a capacity development strategy, to delineate
7 and assess source water protection areas, and for an
8 operator certification program in accordance with Section
9 1452 of the federal Safe Drinking Water Act.

10 (d) The Public Water Supply Loan Program shall be used
11 and administered by the Agency to provide assistance to local
12 government units and privately owned community water supplies
13 for public water supplies for the following public purposes:

14 (1) to accept and retain funds from grant awards,
15 appropriations, transfers, and payments of interest and
16 principal;

17 (2) to make direct loans at or below market
18 interest rates to any eligible local government unit or
19 to any eligible privately owned community water supply to
20 finance the construction of water supplies;

21 (3) to buy or refinance the debt obligation of a
22 local government unit for costs incurred on or after July
23 17, 1997;

24 (4) to guarantee local obligations where such
25 action would improve credit market access or reduce
26 interest rates;

27 (5) as a source of revenue or security for the
28 payment of principal and interest on revenue or general
29 obligation bonds issued by the State or any political
30 subdivision or instrumentality thereof, if the proceeds
31 of such bonds will be deposited into the Fund; and

32 (6) (blank).

33 (e) The Agency is designated as the administering agency
34 of the Fund. The Agency shall submit to the Regional

1 Administrator of the United States Environmental Protection
2 Agency an intended use plan which outlines the proposed use
3 of funds available to the State. The Agency shall take all
4 actions necessary to secure to the State the benefits of the
5 federal Water Pollution Control Act and the federal Safe
6 Drinking Water Act, as now or hereafter amended.

7 (f) The Agency shall have the power to enter into
8 intergovernmental agreements with the federal government or
9 the State, or any instrumentality thereof, for purposes of
10 capitalizing the Water Revolving Fund. Moneys on deposit in
11 the Water Revolving Fund may be used for the creation of
12 reserve funds or pledged funds that secure the obligations of
13 repayment of loans made pursuant to this Section. For the
14 purpose of obtaining capital for deposit into the Water
15 Revolving Fund, the Agency may also enter into agreements
16 with financial institutions and other persons for the purpose
17 of selling loans and developing a secondary market for such
18 loans. The Agency shall have the power to create and
19 establish such reserve funds and accounts as may be necessary
20 or desirable to accomplish its purposes under this subsection
21 and to allocate its available moneys into such funds and
22 accounts. Investment earnings on moneys held in the Water
23 Revolving Fund, including any reserve fund or pledged fund,
24 shall be deposited into the Water Revolving Fund.

25 (Source: P.A. 89-27, eff. 1-1-96; 90-121, eff. 7-17-97;
26 91-36, eff. 6-15-99; 91-52, eff. 6-30-99; 91-501, eff.
27 8-13-99; revised 10-13-99.)

28 (415 ILCS 5/19.4) (from Ch. 111 1/2, par. 1019.4)

29 Sec. 19.4. Regulations; priorities.

30 (a) The Agency shall have the authority to promulgate
31 regulations to set forth procedures and criteria concerning
32 loan applications. For units of local government, the
33 regulations shall include, but need not be limited to, the

1 following elements: ~~submittal-of-information-to-the-Agency-to~~
 2 ~~ascertain--the-credit-worthiness-of-the-loan-applicant,~~ types
 3 ~~of-security-required-for-the-loan-including-liens,~~ mortgages,
 4 ~~and-other-kinds-of-security-interests,~~ types-of-collateral-as
 5 ~~necessary-that-can-be-pledged-to--meet--or--exceed--the--loan~~
 6 ~~amount,~~ special--loan--terms--for--securing-repayment-of-the
 7 ~~loan,~~ the-staged--access--to--the--fund--by--privately--owned
 8 ~~community-water-supplies,~~

- 9 (1) loan application requirements;
- 10 (2) determination of credit worthiness of the loan
11 applicant;
- 12 (3) special loan terms, as necessary, for securing
13 the repayment of the loan;
- 14 (4) assurance of payment;
- 15 (5) interest rates;
- 16 (6) loan support rates;
- 17 (7) impact on user charges;
- 18 (8) eligibility of proposed construction;
- 19 (9) priority of needs;
- 20 (10) special loan terms for disadvantaged
21 communities;
- 22 (11) maximum limits on annual distributions of
23 funds to applicants or groups of applicants;
- 24 (12) penalties for noncompliance with loan
25 requirements and conditions, including stop-work orders,
26 termination, and recovery of loan funds; and
- 27 (13) indemnification of the State of Illinois and
28 the Agency by the loan recipient.

29 (b) The Agency shall have the authority to promulgate
 30 regulations to set forth procedures and criteria concerning
 31 loan applications for loan recipients other than units of
 32 local government. In addition to all of the elements
 33 required for units of local government under subsection (a),
 34 the regulations shall include, but need not be limited to,

1 the following elements:

- 2 (1) types of security required for the loan;
- 3 (2) types of collateral, as necessary, that can be
- 4 pledged for the loan; and
- 5 (3) staged access to fund privately owned community
- 6 water supplies.

7 (c) The Agency shall develop and maintain a priority
 8 list of loan applicants as categorized by need. Priority in
 9 making loans from the Public Water Supply Loan Program must
 10 first be given to local government units and privately owned
 11 community water supplies that need to make capital
 12 improvements to protect human health and to achieve
 13 compliance with the State and federal primary drinking water
 14 standards adopted pursuant to this Act and the federal Safe
 15 Drinking Water Act, as now and hereafter amended.

16 (Source: P.A. 90-121, eff. 7-17-97; 91-36, eff. 6-15-99;
 17 91-52, eff. 6-30-99; 91-501, eff. 8-13-99; revised 10-13-99.)

18 (415 ILCS 5/19.5) (from Ch. 111 1/2, par. 1019.5)

19 Sec. 19.5. Loans; repayment.

20 (a) The Agency shall have the authority to make loans to
 21 ~~local-government-units-and-privately-owned-community-for--the~~
 22 ~~construction---of--public--water--supplies~~ pursuant to the
 23 regulations promulgated under Section 19.4.

24 (b) Loans made from the Fund shall provide for:

- 25 (1) a schedule of disbursement of proceeds;
- 26 (2) a fixed rate that includes interest and loan
- 27 support based upon priority, but the loan support rate
- 28 shall not exceed one-half of the fixed rate established
- 29 for each loan;
- 30 (3) a schedule of repayment;
- 31 (4) initiation of principal repayments within one
- 32 year after the project is operational; and
- 33 (5) a confession of judgment upon default.

1 (c) The Agency may amend existing loans to include a
2 loan support rate only if the overall cost to the loan
3 recipient is not increased.

4 (d) A local government unit ~~or privately-owned-community~~
5 ~~water-supply~~ shall secure the payment of its obligations to
6 the Fund by a dedicated source of repayment, including
7 revenues derived from the imposition of rates, fees and
8 charges ~~and-by-other-types-of-security-or-collateral-or-both~~
9 ~~required-to-secure--the--loan--pursuant--to--the--regulations~~
10 ~~promulgated--under-Section-19.4.~~ Other loan applicants shall
11 secure the payment of their obligations by appropriate
12 security and collateral pursuant to regulations promulgated
13 under Section 19.4. ~~or privately-owned-community-water-supply~~
14 (Source: P.A. 90-121, eff. 7-17-97; 91-36, eff. 6-15-99;
15 91-52, eff. 6-30-99; 91-501, eff. 8-13-99; revised 10-13-99.)

16 (415 ILCS 5/19.6) (from Ch. 111 1/2, par. 1019.6)

17 Sec. 19.6. Delinquent loan repayment.

18 (a) In the event that a timely payment is not made by a
19 loan recipient ~~or the privately-owned-community-water-supply~~
20 according to the loan schedule of repayment, the loan
21 recipient ~~or privately-owned--community--water--supply~~ shall
22 notify the Agency in writing within 15 days after the payment
23 due date. The notification shall include a statement of the
24 reasons the payment was not timely tendered, the
25 circumstances under which the late payments will be
26 satisfied, and binding commitments to assure future payments.
27 After receipt of this notification, the Agency shall confirm
28 in writing the acceptability of the plan or take action in
29 accordance with subsection (b) of this Section.

30 (b) In the event that a loan recipient ~~or--privately~~
31 ~~owned--community-water-supply~~ fails to comply with subsection
32 (a) of this Section, the Agency shall promptly issue a notice
33 of delinquency to the loan recipient, ~~or--privately--owned~~

1 ~~community-water-supply~~ which shall require a written response
 2 within 15 days. The notice of delinquency shall require that
 3 the loan recipient ~~or-privately-owned-community-water-supply~~
 4 revise its rates, fees and charges to meet its obligations
 5 pursuant to subsection (d) of Section 19.5 or take other
 6 specified actions as may be appropriate to remedy the
 7 delinquency and to assure future payments.

8 (c) In the event that the loan recipient ~~or--privately~~
 9 ~~owned--community--water--supply~~ fails to timely or adequately
 10 respond to a notice of delinquency, or fails to meet its
 11 obligations made pursuant to subsections (a) and (b) of this
 12 Section, the Agency shall pursue the collection of the
 13 amounts past due, the outstanding loan balance and the costs
 14 thereby incurred, either pursuant to the Illinois State
 15 Collection Act of 1986 or by any other reasonable means as
 16 may be provided by law, including the taking of title by
 17 foreclosure or otherwise to any project or other property
 18 pledged, mortgaged, encumbered, or otherwise available as
 19 security or collateral.

20 (Source: P.A. 90-121, eff. 7-17-97; 91-36, eff. 6-15-99;
 21 91-52, eff. 6-30-99; 91-501, eff. 8-13-99; revised 10-13-99.)

22 (415 ILCS 5/31.1) (from Ch. 111 1/2, par. 1031.1)
 23 Sec. 31.1. Administrative citation.

24 (a) The prohibitions specified in subsections (o) and
 25 (p) of Section 21 of this Act shall be enforceable either by
 26 administrative citation under this Section or as otherwise
 27 provided by this Act.

28 (b) Whenever Agency personnel or personnel of a unit of
 29 local government to which the Agency has delegated its
 30 functions pursuant to subsection (r) of Section 4 of this
 31 Act, on the basis of direct observation, determine that any
 32 person has violated any provision of subsection (o) or (p) of
 33 Section 21 of this Act, the Agency or such unit of local

1 government may issue and serve an administrative citation
2 upon such person within not more than 60 days after the date
3 of the observed violation. Each such citation issued shall
4 be served upon the person named therein or such person's
5 authorized agent for service of process, and shall include
6 the following information:

7 (1) a statement specifying the provisions of
8 subsection (o) or (p) of Section 21 of which the person
9 was observed to be in violation;

10 (2) a copy of the inspection report in which the
11 Agency or local government recorded the violation, which
12 report shall include the date and time of inspection, and
13 weather conditions prevailing during the inspection;

14 (3) the penalty imposed by subdivision (b)(4) or
15 (b)(4-5) of Section 42 for such violation;

16 (4) instructions for contesting the administrative
17 citation findings pursuant to this Section, including
18 notification that the person has 35 days within which to
19 file a petition for review before the Board to contest
20 the administrative citation; and

21 (5) an affidavit by the personnel observing the
22 violation, attesting to their material actions and
23 observations.

24 (c) The Agency or unit of local government shall file a
25 copy of each administrative citation served under subsection
26 (b) of this Section with the Board no later than 10 days
27 after the date of service.

28 (d) (1) If the person named in the administrative
29 citation fails to petition the Board for review within 35
30 days from the date of service, the Board shall adopt a final
31 order, which shall include the administrative citation and
32 findings of violation as alleged in the citation, and shall
33 impose the penalty specified in subdivision (b)(4) or
34 (b)(4-5) of Section 42.

1 (2) If a petition for review is filed before the Board
2 to contest an administrative citation issued under subsection
3 (b) of this Section, the Agency or unit of local government
4 shall appear as a complainant at a hearing before the Board
5 to be conducted pursuant to Section 32 of this Act at a time
6 not less than 21 days after notice of such hearing has been
7 sent by the Board to the Agency or unit of local government
8 and the person named in the citation. In such hearings, the
9 burden of proof shall be on the Agency or unit of local
10 government. If, based on the record, the Board finds that
11 the alleged violation occurred, it shall adopt a final order
12 which shall include the administrative citation and findings
13 of violation as alleged in the citation, and shall impose the
14 penalty specified in subdivision (b)(4) or (b)(4-5) of
15 Section 42. However, if the Board finds that the person
16 appealing the citation has shown that the violation resulted
17 from uncontrollable circumstances, the Board shall adopt a
18 final order which makes no finding of violation and which
19 imposes no penalty.

20 (e) Sections 10-25 through 10-60 of the Illinois
21 Administrative Procedure Act shall not apply to any
22 administrative citation issued under subsection (b) of this
23 Section.

24 (f) The other provisions of this Section shall not apply
25 to a sanitary landfill operated by a unit of local government
26 solely for the purpose of disposing of water and sewage
27 treatment plant sludges, including necessary stabilizing
28 materials.

29 (g) All final orders issued and entered by the Board
30 pursuant to this Section shall be enforceable by injunction,
31 mandamus or other appropriate remedy, in accordance with
32 Section 42 of this Act.

33 (Source: P.A. 88-45; 88-496; 88-670, eff. 12-2-94; revised
34 11-30-00.)

1 (415 ILCS 5/55.6) (from Ch. 111 1/2, par. 1055.6)

2 Sec. 55.6. Used Tire Management Fund.

3 (a) There is hereby created in the State Treasury a
4 special fund to be known as the Used Tire Management Fund.
5 There shall be deposited into the Fund all monies received as
6 (1) recovered costs or proceeds from the sale of used tires
7 under Section 55.3 of this Act, (2) repayment of loans from
8 the Used Tire Management Fund, or (3) penalties or punitive
9 damages for violations of this Title, except as provided by
10 subdivision (b)(4) or (b)(4-5) of Section 42.

11 (b) Beginning January 1, 1992, in addition to any other
12 fees required by law, the owner or operator of each site
13 required to be registered under subsection (d) of Section 55
14 shall pay to the Agency an annual fee of \$100. Fees
15 collected under this subsection shall be deposited into the
16 Environmental Protection Permit and Inspection Fund.

17 (c) Pursuant to appropriation, monies up to an amount of
18 \$2 million per fiscal year from the Used Tire Management Fund
19 shall be allocated as follows:

20 (1) 38% shall be available to the Agency for the
21 following purposes, provided that priority shall be given
22 to item (i):

23 (i) To undertake preventive, corrective or
24 removal action as authorized by and in accordance
25 with Section 55.3, and to recover costs in
26 accordance with Section 55.3.

27 (ii) For the performance of inspection and
28 enforcement activities for used and waste tire
29 sites.

30 (iii) To assist with marketing of used tires
31 by augmenting the operations of an industrial
32 materials exchange service.

33 (iv) To provide financial assistance to units
34 of local government for the performance of

1 inspecting, investigating and enforcement activities
2 pursuant to subsection (r) of Section 4 at used and
3 waste tire sites.

4 (v) To provide financial assistance for used
5 and waste tire collection projects sponsored by
6 local government or not-for-profit corporations.

7 (vi) For the costs of fee collection and
8 administration relating to used and waste tires, and
9 to accomplish such other purposes as are authorized
10 by this Act and regulations thereunder.

11 (2) 23% shall be available to the Department of
12 Commerce and Community Affairs for the following
13 purposes, provided that priority shall be given to item
14 (A):

15 (A) To provide grants or loans for the
16 purposes of:

17 (i) assisting units of local government
18 and private industry in the establishment of
19 facilities and programs to collect, process and
20 utilize used and waste tires and tire derived
21 materials;

22 (ii) demonstrating the feasibility of
23 innovative technologies as a means of
24 collecting, storing, processing and utilizing
25 used and waste tires and tire derived
26 materials; and

27 (iii) applying demonstrated technologies
28 as a means of collecting, storing, processing,
29 and utilizing used and waste tires and tire
30 derived materials.

31 (B) To develop educational material for use by
32 officials and the public to better understand and
33 respond to the problems posed by used tires and
34 associated insects.

1 (C) (Blank).

2 (D) To perform such research as the Director
3 deems appropriate to help meet the purposes of this
4 Act.

5 (E) To pay the costs of administration of its
6 activities authorized under this Act.

7 (3) 25% shall be available to the Illinois
8 Department of Public Health for the following purposes:

9 (A) To investigate threats or potential
10 threats to the public health related to mosquitoes
11 and other vectors of disease associated with the
12 improper storage, handling and disposal of tires,
13 improper waste disposal, or natural conditions.

14 (B) To conduct surveillance and monitoring
15 activities for mosquitoes and other arthropod
16 vectors of disease, and surveillance of animals
17 which provide a reservoir for disease-producing
18 organisms.

19 (C) To conduct training activities to promote
20 vector control programs and integrated pest
21 management as defined in the Vector Control Act.

22 (D) To respond to inquiries, investigate
23 complaints, conduct evaluations and provide
24 technical consultation to help reduce or eliminate
25 public health hazards and nuisance conditions
26 associated with mosquitoes and other vectors.

27 (E) To provide financial assistance to units
28 of local government for training, investigation and
29 response to public nuisances associated with
30 mosquitoes and other vectors of disease.

31 (4) 2% shall be available to the Department of
32 Agriculture for its activities under the Illinois
33 Pesticide Act relating to used and waste tires.

34 (5) 2% shall be available to the Pollution Control

1 Board for administration of its activities relating to
2 used and waste tires.

3 (6) 10% shall be available to the Department of
4 Natural Resources for the Illinois Natural History Survey
5 to perform research to study the biology, distribution,
6 population ecology, and biosystematics of tire-breeding
7 arthropods, especially mosquitoes, and the diseases they
8 spread.

9 (d) By January 1, 1998, and biennially thereafter,
10 each State agency receiving an appropriation from the Used
11 Tire Management Fund shall report to the Governor and the
12 General Assembly on its activities relating to the Fund.

13 (e) Any monies appropriated from the Used Tire
14 Management Fund, but not obligated, shall revert to the Fund.

15 (f) In administering the provisions of subdivisions (1),
16 (2) and (3) of subsection (c) of this Section, the Agency,
17 the Department of Commerce and Community Affairs, and the
18 Illinois Department of Public Health shall ensure that
19 appropriate funding assistance is provided to any
20 municipality with a population over 1,000,000 or to any
21 sanitary district which serves a population over 1,000,000.

22 (g) Pursuant to appropriation, monies in excess of \$2
23 million per fiscal year from the Used Tire Management Fund
24 shall be used as follows:

25 (1) 55% shall be available to the Agency to
26 undertake preventive, corrective or renewed action as
27 authorized by and in accordance with Section 55.3 and to
28 recover costs in accordance with Section 55.3.

29 (2) 45% shall be available to the Department of
30 Commerce and Community Affairs to provide grants or loans
31 for the purposes of:

32 (i) assisting units of local government and
33 private industry in the establishment of facilities
34 and programs to collect, process and utilize waste

1 tires and tire derived material;

2 (ii) demonstrating the feasibility of

3 innovative technologies as a means of collecting,

4 storing, processing, and utilizing used and waste

5 tires and tire derived materials; and

6 (iii) applying demonstrated technologies as a

7 means of collecting, storing, processing, and

8 utilizing used and waste tires and tire derived

9 materials.

10 (Source: P.A. 91-856, eff. 6-22-00; revised 11-30-00.)

11 (415 ILCS 5/58.15)

12 Sec. 58.15. Brownfields Redevelopment Loan Program.

13 (a) The Agency shall establish and administer a

14 revolving loan program to be known as the "Brownfields

15 Redevelopment Loan Program" for the purpose of providing

16 loans to be used for site investigation, site remediation, or

17 both, at brownfields sites. All principal, interest, and

18 penalty payments from loans made under this Section shall be

19 deposited into the Brownfields Redevelopment Fund and reused

20 in accordance with this Section.

21 (b) General requirements for loans:

22 (1) Loans shall be at or below market interest

23 rates in accordance with a formula set forth in

24 regulations promulgated under subsection (c) of this

25 Section.

26 (2) Loans shall be awarded subject to availability

27 of funding based on the order of receipt of applications

28 satisfying all requirements as set forth in the

29 regulations promulgated under subsection (c) of this

30 Section.

31 (3) The maximum loan amount under this Section for

32 any one project is \$1,000,000.

33 (4) In addition to any requirements or conditions

1 placed on loans by regulation, loan agreements under the
2 Brownfields Redevelopment Loan Program shall include the
3 following requirements:

4 (A) the loan recipient shall secure the loan
5 repayment obligation;

6 (B) completion of the loan repayment shall not
7 exceed 5 years; and

8 (C) loan agreements shall provide for a
9 confession of judgment by the loan recipient upon
10 default.

11 (5) Loans shall not be used to cover expenses
12 incurred prior to the approval of the loan application.

13 (6) If the loan recipient fails to make timely
14 payments or otherwise fails to meet its obligations as
15 provided in this Section or implementing regulations, the
16 Agency is authorized to pursue the collection of the
17 amounts past due, the outstanding loan balance, and the
18 costs thereby incurred, either pursuant to the Illinois
19 State Collection Act of 1986 or by any other means
20 provided by law, including the taking of title, by
21 foreclosure or otherwise, to any project or other
22 property pledged, mortgaged, encumbered, or otherwise
23 available as security or collateral.

24 (c) The Agency shall have the authority to enter into
25 any contracts or agreements that may be necessary to carry
26 out its duties or responsibilities under this Section. The
27 Agency shall have the authority to promulgate regulations
28 setting forth procedures and criteria for administering the
29 Brownfields Redevelopment Loan Program. The regulations
30 promulgated by the Agency for loans under this Section shall
31 include, but need not be limited to, the following elements:

32 (1) loan application requirements;

33 (2) determination of credit worthiness of the loan
34 applicant;

- 1 (3) types of security required for the loan;
- 2 (4) types of collateral, as necessary, that can be
3 pledged for the loan;
- 4 (5) special loan terms, as necessary, for securing
5 the repayment of the loan;
- 6 (6) maximum loan amounts;
- 7 (7) purposes for which loans are available;
- 8 (8) application periods and content of
9 applications;
- 10 (9) procedures for Agency review of loan
11 applications, loan approvals or denials, and loan
12 acceptance by the loan recipient;
- 13 (10) procedures for establishing interest rates;
- 14 (11) requirements applicable to disbursement of
15 loans to loan recipients;
- 16 (12) requirements for securing loan repayment
17 obligations;
- 18 (13) conditions or circumstances constituting
19 default;
- 20 (14) procedures for repayment of loans and
21 delinquent loans including, but not limited to, the
22 initiation of principal and interest payments following
23 loan acceptance;
- 24 (15) loan recipient responsibilities for work
25 schedules, work plans, reports, and record keeping;
- 26 (16) evaluation of loan recipient performance,
27 including auditing and access to sites and records;
- 28 (17) requirements applicable to contracting and
29 subcontracting by the loan recipient, including
30 procurement requirements;
- 31 (18) penalties for noncompliance with loan
32 requirements and conditions, including stop-work orders,
33 termination, and recovery of loan funds; and
- 34 (19) indemnification of the State of Illinois and

1 the Agency by the loan recipient.

2 (d) Moneys in the Brownfields Redevelopment Fund may be
3 used as a source of revenue or security for the principal and
4 interest on revenue or general obligation bonds issued by the
5 State or any political subdivision or instrumentality
6 thereof, if the proceeds of those bonds will be deposited
7 into the Fund.

8 (Source: P.A. 91-36, eff. 6-15-99.)

9 (415 ILCS 5/58.16)

10 Sec. 58.16. ~~58-15-~~ Construction of school; requirements.
11 This Section applies only to counties with a population of
12 more than 3,000,000. In this Section, "school" means a
13 school as defined in Section 34-1.1 of the School Code. No
14 person shall commence construction on real property of a
15 building intended for use as a school unless:

16 (1) a Phase 1 Environmental Audit, conducted in
17 accordance with Section 22.2 of this Act, is obtained;

18 (2) if the Phase 1 Environmental Audit discloses
19 the presence or likely presence of a release or a
20 substantial threat of a release of a regulated substance
21 at, on, to, or from the real property, a Phase II
22 Environmental Audit, conducted in accordance with Section
23 22.2 of this Act, is obtained; and

24 (3) if the Phase II Environmental Audit discloses
25 the presence or likely presence of a release or a
26 substantial threat of a release of a regulated substance
27 at, on, to, or from the real property, the real property
28 is enrolled in the Site Remediation Program and remedial
29 action that the Agency approves for the intended use of
30 the property is completed.

31 (Source: P.A. 91-442, eff. 1-1-00; revised 10-19-99.)

32 Section 81. The Public Water Supply Operations Act is

1 amended by changing Sections 1 and 10 as follows:

2 (415 ILCS 45/1) (from Ch. 111 1/2, par. 501)

3 Sec. 1. (1) In order to safeguard the health and well
4 being of the populace, every community water supply in
5 Illinois shall have on its operational staff at least one
6 natural person certified as competent as a water supply
7 operator under the provisions of this Act.

8 Except for exempt community water supplies as specified
9 in Section 9.1 of this Act, all portions of a community water
10 supply system shall be under the direct supervision of a
11 properly certified community water supply operator.

12 (2) The following class requirements apply:

13 (a) Each community water supply which includes
14 coagulation, lime softening, or sedimentation as a part
15 of its primary treatment shall have in its employ at
16 least one natural person certified as competent as a
17 Class A community water supply operator. This includes
18 all surface water community water supplies.

19 (b) Each community water supply which includes
20 filtration, aeration and filtration, or ion exchange
21 equipment as a part of its primary treatment shall have
22 in its employ at least one natural person certified as
23 competent as a Class B or Class A community water supply
24 operator.

25 (c) Each community water supply which utilizes
26 chemical feeding only shall have in its employ at least
27 one natural person certified as competent as a Class C,
28 Class B, or Class A community water supply operator.

29 (d) Each community water supply in which the
30 facilities are limited to pumpage, storage, or
31 distribution shall have in its employ at least one
32 natural person certified as competent as a Class D, Class
33 C, Class B, or Class A community water supply operator.

1 (e) A community water supply that cannot be clearly
 2 grouped according to this Section will be considered
 3 individually and designated within one of the above groups by
 4 the Agency. This determination will be based on the nature
 5 of the community water supply and on the education and
 6 experience necessary to operate it.

7 (3) A community water supply may satisfy the
 8 requirements of this Section by contracting the services of a
 9 properly qualified certified operator of the required class
 10 or higher, as specified in subsection (2) ~~this~~. A written
 11 agreement to this effect must be on file with the Agency
 12 certifying that such an agreement exists, and delegating
 13 responsibility and authority to the contracted party. This
 14 written agreement shall be signed by both the certified
 15 operator to be contracted and the responsible community water
 16 supply owner or official custodian and must be approved in
 17 writing by the Agency.

18 (Source: P.A. 91-84, eff. 7-9-99; 91-357, eff. 7-29-99;
 19 revised 8-30-99.)

20 (415 ILCS 45/10) (from Ch. 111 1/2, par. 510)

21 Sec. 10. The Agency shall exercise the following
 22 functions, powers, and duties with respect to community water
 23 supply operator certification:

24 (a) The Agency shall conduct examinations to ascertain
 25 the qualifications of applicants for certificates of
 26 competency as community water supply operators, and pass upon
 27 the qualifications of applicants for reciprocal
 28 certificates.†

29 (b) The Agency shall determine the qualifications of
 30 each applicant on the basis of written examinations, and upon
 31 a review of the requirements stated in Sections 13 and 14 of
 32 this Act.†

33 (c) (Blank).†

1 (d) The Agency may suspend, revoke, or refuse to issue
2 any certificate of competency for any one or any combination
3 of the following causes:

4 (1) the practice of any fraud or deceit in
5 obtaining or attempting to obtain, renew, or restore a
6 certificate of competency;

7 (2) any gross negligence, incompetency, misconduct,
8 or falsification of reports in the operation of a water
9 supply;

10 (3) being declared to be a person under legal
11 disability by a court of competent jurisdiction and not
12 thereafter having been lawfully declared to be a person
13 not under legal disability or to have recovered; or

14 (4) failure to comply with any of the Rules
15 pertaining to the operation of a water supply.;

16 (e) The Agency shall issue a Certificate to any
17 applicant who has satisfactorily met all the requirements of
18 the Act pertaining to a certificate of competency as a water
19 supply operator.;

20 (f) The Agency shall notify every certified community
21 water supply operator at the last address specified by the
22 operator to the Agency, and at least one month in advance of
23 the expiration of the certificate, of the date of expiration
24 of the certificate and the amount of fee required for its
25 renewal for 3 years.;

26 (g) The Agency shall, upon its own motion, or upon a
27 written complaint, investigate the action of any person
28 holding or claiming to hold a certificate, and take
29 appropriate action.

30 (h) The Agency is authorized to adopt reasonable and
31 necessary rules to set forth procedures and criteria for the
32 administration of this Act.

33 (Source: P.A. 91-84, eff. 7-9-99; revised 3-20-00.)

1 Section 81.5. The Lawn Care Products Application and
2 Notice Act is amended by changing Section 3 as follows:

3 (415 ILCS 65/3) (from Ch. 5, par. 853)

4 Sec. 3. Notification requirements for application of
5 lawn care products.

6 (a) Lawn Markers.

7 (1) Immediately following application of lawn care
8 products to a lawn, other than a golf course, an
9 applicator for hire shall place a lawn marker at the
10 usual point or points of entry.

11 (2) The lawn marker shall consist of a 4 inch by 5
12 inch sign, vertical or horizontal, attached to the upper
13 portion of a dowel or other supporting device with the
14 bottom of the marker extending no less than 12 inches
15 above the turf.

16 (3) The lawn marker shall be white and lettering on
17 the lawn marker shall be in a contrasting color. The
18 marker shall state on one side, in letters of not less
19 than 3/8 inch, the following: "LAWN CARE APPLICATION -
20 STAY OFF GRASS UNTIL DRY - FOR MORE INFORMATION CONTACT:
21 (here shall be inserted the name and business telephone
22 number of the applicator for hire)."

23 (4) The lawn marker shall be removed and discarded
24 by the property owner or resident, or such other person
25 authorized by the property owner or resident, on the day
26 following the application. The lawn marker shall not be
27 removed by any person other than the property owner or
28 resident or person designated by such property owner or
29 resident.

30 (5) For applications to residential properties of 2
31 families or less, the applicator for hire shall be
32 required to place lawn markers at the usual point or
33 points of entry.

1 (6) For applications to residential properties of 2
2 families or more, or for application to other commercial
3 properties, the applicator for hire shall place lawn
4 markers at the usual point or points of entry to the
5 property to provide notice that lawn care products have
6 been applied to the lawn.

7 (b) Notification requirement for application of plant
8 protectants on golf courses.

9 (1) Blanket posting procedure. Each golf course
10 shall post in a conspicuous place or places an
11 all-weather poster or placard stating to users of or
12 visitors to the golf course that from time to time plant
13 protectants are in use and additionally stating that if
14 any questions or concerns arise in relation thereto, the
15 golf course superintendent or his designee should be
16 contacted to supply the information contained in
17 subsection (c) of this Section.

18 (2) The poster or placard shall be prominently
19 displayed in the pro shop, locker rooms and first tee at
20 each golf course.

21 (3) The poster or placard shall be a minimum size
22 of 8 1/2 by 11 inches and the lettering shall not be less
23 than 1/2 inch.

24 (4) The poster or placard shall read: "PLANT
25 PROTECTANTS ARE PERIODICALLY APPLIED TO THIS GOLF COURSE.
26 IF DESIRED, YOU MAY CONTACT YOUR GOLF COURSE
27 SUPERINTENDENT FOR FURTHER INFORMATION."-

28 (c) Information to Customers of Applicators for Hire. At
29 the time of application of lawn care products to a lawn, an
30 applicator for hire shall provide the following information
31 to the customer:

32 (1) The brand name or common name of each lawn care
33 product applied;

34 (2) The type of fertilizer or pesticide contained

1 in the lawn care product applied;

2 (3) The reason for use of each lawn care product
3 applied;

4 (4) The range of concentration of end use product
5 applied to the lawn and amount of material applied;

6 (5) Any special instruction appearing on the label
7 of the lawn care product applicable to the customer's use
8 of the lawn following application; and

9 (6) The business name and telephone number of the
10 applicator for hire as well as the name of the person
11 actually applying lawn care products to the lawn.

12 (d) Prior notification of application to lawn. In the
13 case of all lawns other than golf courses:

14 (1) Any neighbor whose property abuts or is
15 adjacent to the property of a customer of an applicator
16 for hire may receive prior notification of an application
17 by contacting the applicator for hire and providing his
18 name, address and telephone number.

19 (2) At least the day before a scheduled
20 application, an applicator for hire shall provide
21 notification to a person who has requested notification
22 pursuant to paragraph (1) of this subsection (d), such
23 notification to be made in writing, in person or by
24 telephone, disclosing the date and approximate time of
25 day of application.

26 (3) In the event that an applicator for hire is
27 unable to provide prior notification to a neighbor whose
28 property abuts or is adjacent to the property because of
29 the absence or inaccessibility of the individual, at the
30 time of application to a customer's lawn, the applicator
31 for hire shall leave a written notice at the residence of
32 the person requesting notification, which shall provide
33 the information specified in paragraph (2) of this
34 subsection (d).

1 (e) Prior notification of application to golf courses.

2 (1) Any landlord or resident with property that
3 abuts or is adjacent to a golf course may receive prior
4 notification of an application of lawn care products or
5 plant protectants, or both, by contacting the golf course
6 superintendent and providing his name, address and
7 telephone number.

8 (2) At least the day before a scheduled application
9 of lawn care products or plant protectants, or both, the
10 golf course superintendent shall provide notification to
11 any person who has requested notification pursuant to
12 paragraph (1) of this subsection (e), such notification
13 to be made in writing, in person or by telephone,
14 disclosing the date and approximate time of day of
15 application.

16 (3) In the event that the golf course
17 superintendent is unable to provide prior notification to
18 a landlord or resident because of the absence or
19 inaccessibility, at the time of application, of the
20 landlord or resident, the golf course superintendent
21 shall leave a written notice with the landlord or at the
22 residence which shall provide the information specified
23 in paragraph (2) of this subsection (e).

24 (f) Notification for applications of pesticides to
25 school grounds other than school structures. School
26 districts must maintain a registry of parents and guardians
27 of students who have registered to receive written
28 notification prior to the application of pesticides to school
29 grounds or provide written notification to all parents and
30 guardians of students before such pesticide application.
31 Written notification may be included in newsletters,
32 bulletins, calendars, or other correspondence currently
33 published by the school district. The written notification
34 must be given at least 2 business days before application of

1 the pesticide and should identify the intended date of the
2 application of the pesticide and the name and telephone
3 contact number for the school personnel responsible for the
4 pesticide application program. Prior written notice shall
5 not be required if there is imminent threat to health or
6 property. If such a situation arises, the appropriate school
7 personnel must sign a statement describing the circumstances
8 that gave rise to the health threat and ensure that written
9 notice is provided as soon as practicable.

10 (Source: P.A. 91-99, eff. 7-9-99; revised 2-23-00.)

11 Section 82. The Radiation Protection Act of 1990 is
12 amended by changing Sections 4, 11, and 25 as follows:

13 (420 ILCS 40/4) (from Ch. 111 1/2, par. 210-4)

14 (Section scheduled to be repealed on January 1, 2011)

15 Sec. 4. Definitions. As used in this Act:

16 (a) "Accreditation" means the process by which the
17 Department of Nuclear Safety grants permission to persons
18 meeting the requirements of this Act and the Department's
19 rules and regulations to engage in the practice of
20 administering radiation to human beings.

21 (a-5) "By-product material" means: (1) any radioactive
22 material (except special nuclear material) yielded in or made
23 radioactive by exposure to radiation incident to the process
24 of producing or utilizing special nuclear material; and (2)
25 the tailings or wastes produced by the extraction or
26 concentration of uranium or thorium from any ore processed
27 primarily for its source material content, including discrete
28 surface wastes resulting from underground solution extraction
29 processes but not including underground ore bodies depleted
30 by such solution extraction processes.

31 (b) "Department" means the Department of Nuclear Safety
32 in the State of Illinois.

1 (c) "Director" means the Director of the Department of
2 Nuclear Safety.

3 (d) "General license" means a license, pursuant to
4 regulations promulgated by the Department, effective without
5 the filing of an application to transfer, acquire, own,
6 possess or use quantities of, or devices or equipment
7 utilizing, radioactive material, including but not limited to
8 by-product, source or special nuclear materials.

9 (d-3) "Mammography" means radiography of the breast
10 primarily for the purpose of enabling a physician to
11 determine the presence, size, location and extent of
12 cancerous or potentially cancerous tissue in the breast.

13 (d-7) "Operator" is an individual, group of individuals,
14 partnership, firm, corporation, association, or other entity
15 conducting the business or activities carried on within a
16 radiation installation.

17 (e) "Person" means any individual, corporation,
18 partnership, firm, association, trust, estate, public or
19 private institution, group, agency, political subdivision of
20 this State, any other State or political subdivision or
21 agency thereof, and any legal successor, representative,
22 agent, or agency of the foregoing, other than the United
23 States Nuclear Regulatory Commission, or any successor
24 thereto, and other than federal government agencies licensed
25 by the United States Nuclear Regulatory Commission, or any
26 successor thereto. "Person" also includes a federal entity
27 (and its contractors) if the federal entity agrees to be
28 regulated by the State or as otherwise allowed under federal
29 law.

30 (f) "Radiation" or "ionizing radiation" means gamma rays
31 and x-rays, alpha and beta particles, high speed electrons,
32 neutrons, protons, and other nuclear particles or
33 electromagnetic radiations capable of producing ions directly
34 or indirectly in their passage through matter; but does not

1 include sound or radio waves or visible, infrared, or
2 ultraviolet light.

3 (f-5) "Radiation emergency" means the uncontrolled
4 release of radioactive material from a radiation installation
5 which poses a potential threat to the public health, welfare,
6 and safety.

7 (g) "Radiation installation" is any location or facility
8 where radiation machines are used or where radioactive
9 material is produced, transported, stored, disposed of, or
10 used for any purpose.

11 (h) "Radiation machine" is any device that produces
12 radiation when in use.

13 (i) "Radioactive material" means any solid, liquid, or
14 gaseous substance which emits radiation spontaneously.

15 (j) "Radiation source" or "source of ionizing radiation"
16 means a radiation machine or radioactive material as defined
17 herein.

18 (k) "Source material" means (1) uranium, thorium, or any
19 other material which the Department declares by order to be
20 source material after the United States Nuclear Regulatory
21 Commission, or any successor thereto, has determined the
22 material to be such; or (2) ores containing one or more of
23 the foregoing materials, in such concentration as the
24 Department declares by order to be source material after the
25 United States Nuclear Regulatory Commission, or any successor
26 thereto, has determined the material in such concentration to
27 be source material.

28 (l) "Special nuclear material" means (1) plutonium,
29 uranium 233, uranium enriched in the isotope 233 or in the
30 isotope 235, and any other material which the Department
31 declares by order to be special nuclear material after the
32 United States Nuclear Regulatory Commission, or any successor
33 thereto, has determined the material to be such, but does not
34 include source material; or (2) any material artificially

1 enriched by any of the foregoing, but does not include source
2 material.

3 (m) "Specific license" means a license, issued after
4 application, to use, manufacture, produce, transfer, receive,
5 acquire, own, or possess quantities of, or devices or
6 equipment utilizing radioactive materials.

7 (Source: P.A. 91-188, eff. 7-20-99; 91-340, eff. 7-29-99;
8 revised 10-13-99.)

9 (420 ILCS 40/11) (from Ch. 111 1/2, par. 210-11)

10 (Section scheduled to be repealed on January 1, 2011)

11 Sec. 11. Federal-State Agreements.

12 (1) The Governor, on behalf of this State, is authorized
13 to enter into agreements with the Federal Government
14 providing for discontinuance of certain of the Federal
15 Government's responsibilities with respect to sources of
16 ionizing radiation and the assumption thereof by this State,
17 including, but not limited to, agreements concerning
18 by-product material as defined in Section 11(e)(2) of the
19 Atomic Energy Act of 1954, 42 U.S.C. 2014(e)(2).

20 (2) Any person who, on the effective date of an
21 agreement under subsection (1) above, possesses a license
22 issued by the Federal Government governing activities for
23 which the Federal Government, pursuant to such agreement, is
24 transferring its responsibilities to this State shall be
25 deemed to possess the same pursuant to a license issued under
26 this Act, which shall expire 90 days after receipt from the
27 Department of a notice of expiration of such license, or on
28 the date of expiration specified in the Federal license,
29 whichever is earlier.

30 (3) At such time as Illinois enters into a Federal-State
31 Agreement in accordance with the provisions of this Act, the
32 Department shall license and collect license fees from
33 persons operating radiation installations, including

1 installations involving the use or possession of by-product
2 material as defined in subsection (a-5)(2) of Section 4 and
3 installations having such devices or equipment utilizing or
4 producing radioactive materials but licensure shall not apply
5 to any x-ray machine, including those located in an office of
6 a licensed physician or dentist. The Department may also
7 collect license fees from persons authorized by the
8 Department to engage in decommissioning and decontamination
9 activities at radiation installations including installations
10 licensed to use or possess by-product material as defined in
11 subsection (a-5)(2) of Section 4. The license fees collected
12 from persons authorized to use or possess by-product material
13 as defined in subsection (a-5)(2) of Section 4 or to engage
14 in decommissioning and decontamination activities at
15 radiation installations where such by-product material is
16 used or possessed may include fees sufficient to cover the
17 expenses incurred by the Department in conjunction with
18 monitoring unlicensed properties contaminated with by-product
19 material as defined in subsection (a-5)(2) of Section 4 and
20 overseeing the decontamination of such unlicensed properties.

21 The Department may impose fees for termination of
22 licenses including, but not limited to, licenses for refining
23 uranium mill concentrates to uranium hexafluoride; licenses
24 for possession and use of source material at ore buying
25 stations, at ion exchange facilities and at facilities where
26 ore is processed to extract metals other than uranium or
27 thorium; and licenses authorizing the use or possession of
28 by-product material as defined in subsection (a-5)(2) of
29 Section 4. The Department may also set license fees for
30 licenses which authorize the distribution of devices,
31 products, or sealed sources involved in the production,
32 utilization, or containment of radiation. After a public
33 hearing before the Department, the fees and collection
34 procedures shall be prescribed under rules and regulations

1 for protection against radiation hazards promulgated under
2 this Act.

3 (4) The Department is authorized to enter into
4 agreements related to the receipt and expenditure of federal
5 grants and other funds to provide assistance to states and
6 compact regions in fulfilling responsibilities under the
7 federal Low-Level Radioactive Waste Policy Act, as amended.
8 (Source: P.A. 91-86, eff. 7-9-99; 91-340, eff. 7-29-99;
9 revised 10-6-99.)

10 (420 ILCS 40/25) (from Ch. 111 1/2, par. 210-25)

11 (Section scheduled to be repealed on January 1, 2011)

12 Sec. 25. Radiation inspection and testing; fees.

13 (a) The Department shall inspect and test radiation
14 installations and radiation sources, their immediate
15 surroundings and records concerning their operation to
16 determine whether or not any radiation resulting therefrom is
17 or may be detrimental to health. For the purposes of this
18 Section, "radiation installation" means any location or
19 facility where radiation machines are used. The inspection
20 and testing frequency of a radiation installation shall be
21 based on the installation's class designation in accordance
22 with subsection (f).

23 Inspections of mammography installations shall also
24 include evaluation of the quality of mammography phantom
25 images produced by mammography equipment. The Department
26 shall promulgate rules establishing procedures and acceptance
27 standards for evaluating the quality of mammography phantom
28 images.

29 Beginning on the effective date of this amendatory Act of
30 1997 and until June 30, 2000, the fee for inspection and
31 testing shall be paid yearly at an annualized rate based on
32 the classifications and frequencies set forth in subsection
33 (f). The annualized fee for inspection and testing shall be

1 based on the rate of \$55 per radiation machine for machines
 2 located in dental offices and clinics and used solely for
 3 dental diagnosis, located in veterinary offices and used
 4 solely for diagnosis, or located in offices and clinics of
 5 persons licensed under the Podiatric Medical Practice Act of
 6 1987 and shall be based on the rate of \$80 per radiation
 7 machine for all other radiation machines. The Department may
 8 adopt rules detailing the annualized rate structure. For the
 9 year beginning January 1, 2000, the annual fee for inspection
 10 and testing of Class D radiation installations shall be \$25
 11 per radiation machine. The Department is authorized to bill
 12 the fees listed in this paragraph as part of the annual fee
 13 specified in Section 24.7 of this Act.

14 Beginning July 1, 2000, the Department shall establish
 15 the fees under Section 24.7 of this Act by rule, provided
 16 that no increase of the fees shall take effect before January
 17 1, 2001.

18 (b) (Blank). ~~7-or-ether-entity~~

19 (c) (Blank).

20 (d) (Blank).

21 (e) (Blank).

22 (f) For purposes of this Section, radiation
 23 installations shall be divided into 4 classes:

24 Class A - Class A shall include dental offices and
 25 veterinary offices with radiation machines used solely
 26 for diagnosis and all installations using commercially
 27 manufactured cabinet radiographic/fluoroscopic radiation
 28 machines. Operators of Class A installations shall have
 29 their radiation machines inspected and tested every 5
 30 years by the Department.

31 Class B - Class B shall include offices or clinics
 32 of persons licensed under the Medical Practice Act of
 33 1987 or the Podiatric Medical Practice Act of 1987 with
 34 radiation machines used solely for diagnosis and all

1 installations using spectroscopy radiation machines,
2 noncommercially manufactured cabinet
3 radiographic/fluoroscopic radiation machines, portable
4 radiographic/fluoroscopic units, non-cabinet
5 baggage/package fluoroscopic radiation machines and
6 electronic beam welders. Operators of Class B
7 installations shall have their radiation machines
8 inspected and tested every 2 years by the Department.

9 Class C - Class C shall include installations using
10 diffraction radiation machines, open radiography
11 radiation machines, closed radiographic/fluoroscopic
12 radiation machines and radiation machines used as gauges.
13 Test booths, bays, or rooms used by manufacturing,
14 assembly or repair facilities for testing radiation
15 machines shall be categorized as Class C radiation
16 installations. Operators of Class C installations shall
17 have their radiation machines inspected and tested
18 annually by the Department.

19 Class D - Class D shall include all hospitals and
20 all other facilities using mammography, computed
21 tomography (CT), or therapeutic radiation machines. Each
22 operator of a Class D installation shall maintain a
23 comprehensive radiation protection program. The
24 individual or individuals responsible for implementing
25 this program shall register with the Department in
26 accordance with Section 25.1. As part of this program,
27 the registered individual or individuals shall conduct an
28 annual performance evaluation of all radiation machines
29 and oversee the equipment-related quality assurance
30 practices within the installation. The registered
31 individual or individuals shall determine and document
32 whether the installation's radiation machines are being
33 maintained and operated in accordance with standards
34 promulgated by the Department. Class D installation

1 shall be inspected annually by the Department.

2 (f-1) Radiation installations for which more than one
3 class is applicable shall be assigned the classification
4 requiring the most frequent inspection and testing.

5 (f-2) Radiation installations not classified as Class A,
6 B, C, or D shall be inspected according to frequencies
7 established by the Department based upon the associated
8 radiation hazards, as determined by the Department.

9 (g) The Department is authorized to maintain a facility
10 for the purpose of calibrating radiation detection and
11 measurement instruments in accordance with national
12 standards. The Department may make calibration services
13 available to public or private entities within or outside of
14 Illinois and may assess a reasonable fee for such services.

15 (Source: P.A. 90-391, eff. 8-15-97; 91-188, eff. 7-20-99;
16 91-340, eff. 7-29-99; revised 10-13-99.)

17 Section 82.5. The Food and Agriculture Research Act is
18 amended by changing Section 20 as follows:

19 (505 ILCS 82/20)

20 Sec. 20. Use of funds. The universities receiving funds
21 under this Act shall work closely with the Illinois Council
22 ~~on~~ of Food and Agricultural Research ~~Agrieulture~~ to develop
23 and prioritize an appropriate research agenda for the State
24 system. To support that agenda, funds shall be expended as
25 follows:

26 (1) To support a broad program of food and agricultural
27 research, to include, but not limited to, research on natural
28 resource, environmental, economic, nutritional, and social
29 impacts of agricultural systems, human and animal health, and
30 the concerns of consumers of food and agricultural products
31 and services.

32 (2) To build and maintain research capacity including

1 construction, renovation, and maintenance of physical
2 facilities; acquire and maintain equipment; employ
3 appropriately trained and qualified personnel; provide
4 supplies; and meet the expenses required to conduct the
5 research and related technology transfer activities.

6 (3) A minimum of 15% of the funds allocated to each
7 university shall be used to fund an innovative competitive
8 grants program administered jointly by the 4 institutions
9 identified in Section 15. The grants program is intended to
10 be organized around desired practical, quantifiable, and
11 achievable objectives in the food and agricultural sector.
12 The Illinois Council on Food and Agricultural Research shall
13 assist in evaluating and selecting the proposals for funding.
14 Proposals may be submitted by any nonprofit institution,
15 organization, or agency in Illinois. The principal
16 investigator must be a qualified researcher with experience
17 in a food and agriculture related discipline. Funds from
18 other sources (both public and private) may be combined with
19 funds appropriated for this Act to support cooperative
20 efforts.

21 (4) It is intended that the universities that receive
22 these funds shall continue (i) to operate and maintain the
23 on-campus buildings and facilities used in their agriculture
24 related programs and provide the support services typically
25 provided other university programs, and (ii) to fund
26 agricultural programs from the higher education budget.

27 (Source: P.A. 89-182, eff. 7-19-95; revised 3-9-00.)

28 Section 83. The Humane Care for Animals Act is amended
29 by changing Section 16 as follows;

30 (510 ILCS 70/16) (from Ch. 8, par. 716)

31 Sec. 16. Violations; punishment; injunctions.

32 (a) Any person convicted of violating Sections 5, 5.01,

1 or 6 of this Act or any rule, regulation, or order of the
2 Department pursuant thereto, is guilty of a Class C
3 misdemeanor.

4 (b)(1) This subsection (b) does not apply where the
5 only animals involved in the violation are dogs.

6 (2) Any person convicted of violating subsection
7 (a), (b), (c) or (h) of Section 4.01 of this Act or any
8 rule, regulation, or order of the Department pursuant
9 thereto, is guilty of a Class A misdemeanor.

10 (3) A second or subsequent offense involving the
11 violation of subsection (a), (b) or (c) of Section 4.01
12 of this Act or any rule, regulation, or order of the
13 Department pursuant thereto is a Class 4 felony.

14 (4) Any person convicted of violating subsection
15 (d), (e) or (f) of Section 4.01 of this Act or any rule,
16 regulation, or order of the Department pursuant thereto,
17 is guilty of a Class B misdemeanor.

18 (5) Any person convicted of violating subsection
19 (g) of Section 4.01 of this Act or any rule, regulation,
20 or order of the Department pursuant thereto is guilty of
21 a Class C misdemeanor.

22 (c)(1) This subsection (c) applies exclusively
23 where the only animals involved in the violation are
24 dogs.

25 (2) Any person convicted of violating subsection
26 (a), (b) or (c) of Section 4.01 of this Act or any rule,
27 regulation or order of the Department pursuant thereto is
28 guilty of a Class 4 felony and may be fined an amount not
29 to exceed \$50,000.

30 (3) Any person convicted of violating subsection
31 (d), (e) or (f) of Section 4.01 of this Act or any rule,
32 regulation or order of the Department pursuant thereto is
33 guilty of Class A misdemeanor, if such person knew or
34 should have known that the device or equipment under

1 subsection (d) or (e) of that Section or the site,
2 structure or facility under subsection (f) of that
3 Section was to be used to carry out a violation where the
4 only animals involved were dogs. Where such person did
5 not know or should not reasonably have been expected to
6 know that the only animals involved in the violation were
7 dogs, the penalty shall be same as that provided for in
8 paragraph (4) of subsection (b).

9 (4) Any person convicted of violating subsection
10 (g) of Section 4.01 of this Act or any rule, regulation
11 or order of the Department pursuant thereto is guilty of
12 a Class C misdemeanor.

13 (5) A second or subsequent violation of subsection
14 (a), (b) or (c) of Section 4.01 of this Act or any rule,
15 regulation or order of the Department pursuant thereto is
16 a Class 3 felony. A second or subsequent violation of
17 subsection (d), (e) or (f) of Section 4.01 of this Act or
18 any rule, regulation or order of the Department adopted
19 pursuant thereto is a Class 3 felony, if in each
20 violation the person knew or should have known that the
21 device or equipment under subsection (d) or (e) of that
22 Section or the site, structure or facility under
23 subsection (f) of that Section was to be used to carry
24 out a violation where the only animals involved were
25 dogs. Where such person did not know or should not
26 reasonably have been expected to know that the only
27 animals involved in the violation were dogs, a second or
28 subsequent violation of subsection (d), (e) or (f) of
29 Section 4.01 of this Act or any rule, regulation or order
30 of the Department adopted pursuant thereto is a Class A
31 misdemeanor. A second or subsequent violation of
32 subsection (g) is a Class B misdemeanor.

33 (6) Any person convicted of violating Section 3.01
34 of this Act is guilty of a Class C misdemeanor. A second

1 conviction for a violation of Section 3.01 is a Class B
2 misdemeanor. A third or subsequent conviction for a
3 violation of Section 3.01 is a Class A misdemeanor.

4 (7) Any person convicted of violating Section 4.03
5 is guilty of a Class B misdemeanor.

6 (8) Any person convicted of violating Section 4.04
7 is guilty of a Class A misdemeanor where the animal is
8 not killed or totally disabled, but if the animal is
9 killed or totally disabled such person shall be guilty of
10 a Class 4 felony.

11 (8.5) A person convicted of violating subsection
12 (a) of Section 7.15 is guilty of a Class B misdemeanor.
13 A person convicted of violating subsection (b) or (c) of
14 Section 7.15 is (i) guilty of a Class A misdemeanor if
15 the dog is not killed or totally disabled and (ii) if the
16 dog is killed or totally disabled, guilty of a Class 4
17 felony and may be ordered by the court to make
18 restitution to the disabled person having custody or
19 ownership of the dog for veterinary bills and replacement
20 costs of the dog.

21 (9) Any person convicted of violating any other
22 provision of this Act, or any rule, regulation, or order
23 of the Department pursuant thereto, is guilty of a Class
24 C misdemeanor with every day that a violation continues
25 constituting a separate offense.

26 (d) Any person convicted of violating Section 7.1 is
27 guilty of a petty offense. A second or subsequent conviction
28 for a violation of Section 7.1 is a Class C misdemeanor.

29 (e) Any person convicted of violating Section 3.02 is
30 guilty of a Class A misdemeanor. A second or subsequent
31 violation is a Class 4 felony.

32 (f) The Department may enjoin a person from a continuing
33 violation of this Act.

34 (g) Any person convicted of violating Section 3.03 is

1 guilty of a Class 4 felony. A second or subsequent offense
2 is a Class 3 felony. As a condition of the sentence imposed
3 under this Section, the court shall order the offender to
4 undergo a psychological or psychiatric evaluation and to
5 undergo treatment that the court determines to be appropriate
6 after due consideration of the evaluation.

7 (Source: P.A. 90-14, eff. 7-1-97; 90-80, eff. 7-10-97;
8 91-291, eff. 1-1-00; 91-351, eff. 7-29-99; 91-357, eff.
9 7-29-99; revised 8-30-99.)

10 Section 83.5. The Livestock Management Facilities Act is
11 amended by changing Section 20 as follows:

12 (510 ILCS 77/20)

13 Sec. 20. Handling, storing and disposing of livestock
14 waste.

15 (a) The livestock management facility owner or operator
16 shall comply with the requirements for handling, storing, and
17 disposing of livestock wastes as set forth in the rules
18 adopted pursuant to the Illinois Environmental Protection Act
19 concerning agriculture related pollution.

20 (b) The livestock management facility owner or operator
21 at a facility of less than 1,000 animal units shall not be
22 required to prepare and maintain a waste management plan.

23 (c) The livestock management facility owner or operator
24 at a facility of 1,000 or greater animal units but less than
25 5,000 animal units shall prepare and maintain on file at the
26 livestock management facility a general waste management
27 plan. Notwithstanding this requirement, a livestock
28 management facility subject to this subsection may be
29 operated on an interim basis but not to exceed 6 months after
30 the effective date of the rules promulgated pursuant to this
31 Act to allow for the owner or operator of the facility to
32 develop a waste management plan. The waste management plan

1 shall be available for inspection during normal business
2 hours by Department personnel.

3 (d) The livestock management facility owner or operator
4 at a facility of 5,000 or greater animal units shall prepare,
5 maintain, and submit to the Department the waste management
6 plan for approval. Approval of the waste management plan
7 shall be predicated on compliance with provisions of
8 subsection (f). The waste management plan shall be approved
9 by the Department before operation of the facility or in the
10 case of an existing facility, the waste management plan shall
11 be submitted within 60 working days after the effective date
12 of the rules promulgated pursuant to this Act.

13 The owner or operator of an existing livestock management
14 facility that through growth meets or exceeds 5,000 animal
15 units shall file its waste management plan with the
16 Department within 60 working days after reaching the stated
17 animal units.

18 The owner or operator of a livestock management facility
19 that is subject to this subsection (d) shall file within 60
20 working days with the Department a revised waste management
21 plan when there is a change as provided in subsection (e) of
22 this Section that will materially affect compliance with the
23 waste management plan.

24 (d-5) The owner or operator of multiple livestock
25 management facilities under common facility ownership where
26 the cumulative animal units of the facilities are equal to or
27 greater than the animal unit numbers provided for in
28 subsection (c) of this Section shall prepare and keep on file
29 at each facility a waste management plan in accordance with
30 the requirements of subsection (c). The owner or operator of
31 multiple livestock management facilities that are under
32 common facility ownership where the cumulative animal units
33 of the facilities are equal to or greater than the animal
34 unit numbers provided for in subsection (d) of this Section

1 shall prepare and file with the Department a waste management
2 plan in accordance with the provisions of subsection (d).
3 Cumulative animal units shall be determined by combining the
4 animal units of multiple livestock management facilities
5 under the common facility ownership based upon the design
6 capacity of each facility. For the purposes of this
7 subsection (d-5), "under common facility ownership" means the
8 same person or persons own, directly or indirectly, through
9 majority owned business entities at least 51% of any person
10 or persons (as defined by Section 10.55) that own or operate
11 the livestock management facility or livestock waste handling
12 facility located in the State of Illinois.

13 (e) The owner or operator of a livestock management
14 facility shall update the waste management plan when there is
15 a change in values shown in the plan under item (1) of
16 subsection (f) of this Section. The waste management plan
17 and records of livestock waste disposal shall be kept on file
18 for three years.

19 (f) The application of livestock waste to the land is an
20 acceptable, recommended, and established practice in
21 Illinois. However, when livestock waste is not applied in a
22 responsible manner, it may create pollutional problems. It
23 should be recognized that research relative to livestock
24 waste application based on livestock waste nutrient content
25 is currently ongoing. The Dean of the College of
26 Agricultural, Consumer and Environmental Sciences at the
27 University of Illinois, or his or her designee, shall
28 annually report to the Advisory Committee on the status of
29 phosphorus research, including research that has been
30 supported in whole or in part by the Illinois Council on ~~for~~
31 Food and Agricultural Research. The Advisory Committee may
32 also consult with other appropriate research entities on the
33 status of phosphorus research. It is considered acceptable
34 to prepare and implement a waste management plan based on a

1 nitrogen rate, unless otherwise restricted by this Section.

2 The waste management plan shall include the following:

3 (1) An estimate of the volume of livestock waste to
4 be disposed of annually, which shall be obtained by
5 multiplying the design capacity of the facility by the
6 appropriate amount of waste generated by the animals.
7 The values showing the amount of waste generated in Table
8 2-1, Midwest Plan Service's, MWPS-18, Livestock Waste
9 Management Facilities Handbook or Design Criteria for the
10 field application of livestock waste adopted by the
11 Agency may be used.

12 (2) The number of acres available for disposal of
13 the waste, whether they are owned by the owner or
14 operator of the livestock waste management facility or
15 are shown to be contracted with another person or persons
16 for disposal of waste.

17 (3) An estimate of the nutrient value of the waste.
18 The owner or operator may prepare a plan based on an
19 average of the minimum and maximum numbers in the table
20 values derived from Midwest Plan Service's, MWPS-18,
21 Livestock Waste Facilities Handbook, the Agency's
22 Agriculture Related Pollution regulations, or the results
23 of analysis performed on samples of waste. For the
24 purposes of compliance with this subsection, the nutrient
25 values of livestock waste may vary as indicated in the
26 source table. In the case of laboratory analytical
27 results, the nutrient values may vary with the accuracy
28 of the analytical method.

29 (3.5) Results of the Bray P1 or Mehlich test for
30 soil phosphorus reported in pounds of elemental
31 phosphorus per acre. Soil samples shall be obtained and
32 analyzed from the livestock waste application fields on
33 land owned or under the control of the owner or operator
34 where applications are planned. Fields where livestock

1 waste is applied shall be sampled every 3 years.
2 Sampling procedures, such as the number of samples and
3 the depth of sampling, as outlined in the current edition
4 of the Illinois Agronomy Handbook shall be followed when
5 soil samples are obtained.

6 (3.6) If the average Bray P1 or Mehlich test result
7 for soil phosphorus calculated from samples obtained from
8 the application field is 300 pounds or less of elemental
9 phosphorus per acre, livestock waste may continue to be
10 applied to that field in accordance with subsection (f)
11 of this Section. If the average Bray P1 or Mehlich test
12 result for soil phosphorus for an application field is
13 greater than 300 pounds of elemental phosphorus per acre,
14 the owner or operator shall apply livestock waste at the
15 phosphorus rate to the field until the average Bray P1 or
16 Mehlich test for soil phosphorus indicates there is less
17 than 300 pounds of elemental phosphorus per acre. Upon
18 the development of a phosphorus index that is approved
19 subject to the provisions established in Section 55 of
20 this Act, the owner or operator shall use such index in
21 lieu of the 300 pounds of elemental phosphorus per acre.

22 (4) An indication that the livestock waste will be
23 applied at rates not to exceed the agronomic nitrogen
24 demand of the crops to be grown when averaged over a
25 5-year period.

26 (5) A provision that livestock waste applied within
27 1/4 mile of any residence not part of the facility shall
28 be injected or incorporated on the day of application.
29 However, livestock management facilities and livestock
30 waste handling facilities that have irrigation systems in
31 operation prior to the effective date of this Act or
32 existing facilities applying waste on frozen ground are
33 not subject to the provisions of this item (5).

34 (6) A provision that livestock waste may not be

1 applied within 200 feet of surface water unless the water
2 is upgrade or there is adequate diking, and waste will
3 not be applied within 150 feet of potable water supply
4 wells.

5 (7) A provision that livestock waste may not be
6 applied in a 10-year flood plain unless the injection or
7 incorporation method of application is used.

8 (8) A provision that livestock waste may not be
9 applied in waterways.

10 (9) A provision that if waste is spread on frozen
11 or snow-covered land, the application will be limited to
12 land areas on which:

13 (A) land slopes are 5% or less, or

14 (B) adequate erosion control practices exist.

15 (10) Methods for disposal of animal waste.

16 (g) Any person who is required to prepare and maintain a
17 waste management plan and who fails to do so shall be issued
18 a warning letter by the Department for the first violation
19 and shall be given 30 working days to prepare a waste
20 management plan. For failure to prepare and maintain a waste
21 management plan, the person shall be fined an administrative
22 penalty of up to \$1,000 by the Department and shall be
23 required to enter into an agreement of compliance to prepare
24 and maintain a waste management plan within 30 working days.
25 For failure to prepare and maintain a waste management plan
26 after the second 30 day period or for failure to enter into a
27 compliance agreement, the Department may issue an operational
28 cease and desist order until compliance is attained.

29 (Source: P.A. 90-565, eff. 6-1-98; 91-110, eff. 7-13-99;
30 revised 3-9-00.)

31 Section 84. The Toll Highway Act is amended by changing
32 Section 20.1 as follows:

1 (605 ILCS 10/20.1) (from Ch. 121, par. 100-20.1)

2 Sec. 20.1. (a) The Authority is hereby authorized, by
3 resolution, to provide for the issuance, from time to time,
4 of refunding or advance refunding bonds for the purpose of
5 refunding any bonds then outstanding at maturity or on any
6 redemption date, whether an entire issue or series, or one or
7 more issues or series, or any portions or parts of any issue
8 or series, which shall have been issued by the Authority or
9 its predecessor, the Illinois State Toll Highway Commission.

10 (b) The proceeds of any such refunding bonds may be used
11 for any one or more of the following purposes:

12 (1) To pay the principal amount of any outstanding bonds
13 to be retired at maturity or redeemed prior to maturity;

14 (2) To pay the total amount of any redemption premium
15 incident to redemption of such outstanding bonds to be
16 refunded;

17 (3) To pay the total amount of any interest accrued or
18 to accrue to the date or dates of redemption or maturity of
19 such outstanding bonds to be refunded;

20 (4) To pay any and all costs or expenses incident to
21 such refunding;

22 (5) To make deposits into an irrevocable trust in
23 accordance with subsection (f) of this Section 20.1.
24 Refunding bonds may be issued in amounts sufficient to
25 accomplish any one or more of the foregoing purposes, taking
26 into consideration the income earned on bond proceeds prior
27 to the application thereof or without taking such income into
28 consideration.

29 (c) The issuance of refunding bonds, the maturities and
30 other details thereof, the rights of the holders thereof and
31 the rights, duties and obligations of the Authority in
32 respect of the same shall be governed by the provisions of
33 this Act, insofar as the same may be applicable, and may in
34 harmony therewith be adjusted and modified to conform to the

1 facts and circumstances prevailing in each instance of
2 issuance of such refunding bonds. The Authority need not
3 comply with the requirements of any other law applicable to
4 the issuance of bonds other than as set forth in this Act.

5 (d) With reference to the investment of the proceeds of
6 any such refunding bonds, the Authority shall not authorize
7 or anticipate investment earnings exceeding such as are
8 authorized or permitted under prevailing federal laws,
9 regulations and administrative rulings and interpretations
10 relating to arbitrage bonds.

11 (e) The proceeds of any such refunding bonds (together
12 with any other funds available for application to refunding
13 purposes, if so provided or permitted by resolution
14 authorizing the issuance of such refunding bonds, or in a
15 trust indenture securing the same) may be placed in trust to
16 be applied to the purchase, retirement at maturity or
17 redemption of the bonds to be refunded on such dates as may
18 be determined by the Authority. Pending application thereof,
19 the proceeds of such refunding bonds and such other available
20 funds, if any, may be invested in direct obligations of, or
21 obligations the principal of which and any interest on which
22 are unconditionally guaranteed by, the United States of
23 America which shall mature, or which shall be subject to
24 redemption by the holder thereof at its option, not later
25 than the respective date or dates when such proceeds and
26 other available funds, if any, will be required for the
27 refunding purpose intended or authorized.

28 (f) Upon (1) the deposit of the proceeds of the
29 refunding bonds (together with any other funds available for
30 application to refunding purposes, if so provided or
31 permitted by resolution authorizing the issuance of such
32 refunding bonds, or in a trust indenture securing the same)
33 in an irrevocable trust pursuant to a trust agreement with a
34 trustee requiring the trustee to satisfy the obligations of

1 the Authority to timely pay at maturity or upon prior
2 redemption the outstanding bonds for which the proceeds of
3 the refunding bonds and other funds, if any, are deposited,
4 in an amount sufficient to satisfy the obligations of the
5 Authority to timely pay at maturity or upon prior redemption
6 such outstanding bonds, or (2) the deposit in such
7 irrevocable trust of direct obligations of, or obligations
8 the principal and interest of which are unconditionally
9 guaranteed by, the United States of America in an amount
10 sufficient, without regard to investment earnings thereon, to
11 satisfy the obligations of the Authority to timely pay at
12 maturity or upon prior redemption such outstanding bonds, or
13 (3) the deposit in such irrevocable trust of obligations
14 referred to in (2) above in an amount sufficient so that,
15 taking into account investment earnings, upon maturity (or
16 upon optional redemption by the trustee) of such obligations
17 amounts will be produced on a timely basis sufficient to
18 satisfy the obligations of the Authority to timely pay at
19 maturity or upon prior redemption such outstanding bonds,
20 such outstanding bonds shall be deemed paid and no longer be
21 deemed to be outstanding for purposes of such resolution or
22 trust indenture and all rights and obligations under any such
23 prior resolution or trust indenture shall be deemed
24 discharged notwithstanding any provision of any such
25 outstanding bonds or any resolution or trust indenture
26 authorizing the issuance of such outstanding bonds; provided,
27 however, that the holders of such outstanding bonds shall
28 have an irrevocable and unconditional right to payment in
29 full of all principal of and premium, if any, and interest on
30 such outstanding bonds, at maturity or upon prior redemption,
31 from the amounts on deposit in such trust. The trustee shall
32 be any trust company or bank in the State of Illinois having
33 the power of a trust company possessing capital and surplus
34 of not less than \$100,000,000.

1 (g) It is hereby found and determined that the
2 contractual rights of the bondholders under any such prior
3 resolution or trust indenture will not be impaired by a
4 refunding pursuant to the provisions of this Section 20.1 in
5 that, the payment of such outstanding bonds having been
6 provided for as set forth herein, the bondholders' rights and
7 security as to payment of the principal of, premium, if any,
8 and interest on such outstanding bonds will have been
9 enhanced, and the bondholders shall suffer no financial loss.
10 It is hereby further found and determined that a refunding of
11 any outstanding bonds of the Authority pursuant to this
12 Section 20.1 shall further the purposes set forth in Section
13 1.-

14 (Source: P.A. 83-1258; revised 1-11-00.)

15 Section 85. The Illinois Vehicle Code is amended by
16 changing Sections 2-119, 3-616, 3-818, 3-821, 6-110.1, 6-210,
17 7-707, 11-501.5, and 12-201 as follows:

18 (625 ILCS 5/2-119) (from Ch. 95 1/2, par. 2-119)

19 Sec. 2-119. Disposition of fees and taxes.

20 (a) All moneys received from Salvage Certificates shall
21 be deposited in the Common School Fund in the State Treasury.

22 (b) Beginning January 1, 1990 and concluding December
23 31, 1994, of the money collected for each certificate of
24 title, duplicate certificate of title and corrected
25 certificate of title, \$0.50 shall be deposited into the Used
26 Tire Management Fund. Beginning January 1, 1990 and
27 concluding December 31, 1994, of the money collected for each
28 certificate of title, duplicate certificate of title and
29 corrected certificate of title, \$1.50 shall be deposited in
30 the Park and Conservation Fund.

31 Beginning January 1, 1995, of the money collected for
32 each certificate of title, duplicate certificate of title and

1 corrected certificate of title, \$2 shall be deposited in the
2 Park and Conservation Fund. The moneys deposited in the Park
3 and Conservation Fund pursuant to this Section shall be used
4 for the acquisition and development of bike paths as provided
5 for in Section 805-420 of the Department of Natural Resources
6 (Conservation) Law (20 ILCS 805/805-420).

7 Beginning January 1, 2000 and continuing through December
8 31, 2004, of the moneys collected for each certificate of
9 title, duplicate certificate of title, and corrected
10 certificate of title, \$48 shall be deposited into the Road
11 Fund and \$4 shall be deposited into the Motor Vehicle License
12 Plate Fund, except that if the balance in the Motor Vehicle
13 License Plate Fund exceeds \$40,000,000 on the last day of a
14 calendar month, then during the next calendar month the \$4
15 shall instead be deposited into the Road Fund.

16 Beginning January 1, 2005, of the moneys collected for
17 each certificate of title, duplicate certificate of title,
18 and corrected certificate of title, \$52 shall be deposited
19 into the Road Fund.

20 Except as otherwise provided in this Code, all remaining
21 moneys collected for certificates of title, and all moneys
22 collected for filing of security interests, shall be placed
23 in the General Revenue Fund in the State Treasury.

24 (c) All moneys collected for that portion of a driver's
25 license fee designated for driver education under Section
26 6-118 shall be placed in the Driver Education Fund in the
27 State Treasury.

28 (d) Beginning January 1, 1999, of the monies collected
29 as a registration fee for each motorcycle, motor driven cycle
30 and motorized pedalcycle, 27% of each annual registration fee
31 for such vehicle and 27% of each semiannual registration fee
32 for such vehicle is deposited in the Cycle Rider Safety
33 Training Fund.

34 (e) Of the monies received by the Secretary of State as

1 registration fees or taxes or as payment of any other fee, as
2 provided in this Act, except fees received by the Secretary
3 under paragraph (7) of subsection (b) of Section 5-101 and
4 Section 5-109 of this Code, 37% shall be deposited into the
5 State Construction Fund.

6 (f) Of the total money collected for a CDL instruction
7 permit or original or renewal issuance of a commercial
8 driver's license (CDL) pursuant to the Uniform Commercial
9 Driver's License Act (UCDLA): (i) \$6 of the total fee for an
10 original or renewal CDL, and \$6 of the total CDL instruction
11 permit fee when such permit is issued to any person holding a
12 valid Illinois driver's license, shall be paid into the
13 CDLIS/AAMVAnet Trust Fund (Commercial Driver's License
14 Information System/American Association of Motor Vehicle
15 Administrators network Trust Fund) and shall be used for the
16 purposes provided in Section 6z-23 of the State Finance Act
17 and (ii) \$20 of the total fee for an original or renewal CDL
18 or commercial driver instruction permit shall be paid into
19 the Motor Carrier Safety Inspection Fund, which is hereby
20 created as a special fund in the State Treasury, to be used
21 by the Department of State Police, subject to appropriation,
22 to hire additional officers to conduct motor carrier safety
23 inspections pursuant to Chapter 18b of this Code.

24 (g) All remaining moneys received by the Secretary of
25 State as registration fees or taxes or as payment of any
26 other fee, as provided in this Act, except fees received by
27 the Secretary under paragraph (7) of subsection (b) of
28 Section 5-101 and Section 5-109 of this Code, shall be
29 deposited in the Road Fund in the State Treasury. Moneys in
30 the Road Fund shall be used for the purposes provided in
31 Section 8.3 of the State Finance Act.

32 (h) (Blank).

33 (i) (Blank).

34 (j) (Blank).

1 (k) There is created in the State Treasury a special
2 fund to be known as the Secretary of State Special License
3 Plate Fund. Money deposited into the Fund shall, subject to
4 appropriation, be used by the Office of the Secretary of
5 State (i) to help defray plate manufacturing and plate
6 processing costs for the issuance and, when applicable,
7 renewal of any new or existing special registration plates
8 authorized under this Code and (ii) for grants made by the
9 Secretary of State to benefit Illinois Veterans Home
10 libraries.

11 On or before October 1, 1995, the Secretary of State
12 shall direct the State Comptroller and State Treasurer to
13 transfer any unexpended balance in the Special Environmental
14 License Plate Fund, the Special Korean War Veteran License
15 Plate Fund, and the Retired Congressional License Plate Fund
16 to the Secretary of State Special License Plate Fund.

17 (l) The Motor Vehicle Review Board Fund is created as a
18 special fund in the State Treasury. Moneys deposited into
19 the Fund under paragraph (7) of subsection (b) of Section
20 5-101 and Section 5-109 shall, subject to appropriation, be
21 used by the Office of the Secretary of State to administer
22 the Motor Vehicle Review Board, including without limitation
23 payment of compensation and all necessary expenses incurred
24 in administering the Motor Vehicle Review Board under the
25 Motor Vehicle Franchise Act.

26 (m) Effective July 1, 1996, there is created in the
27 State Treasury a special fund to be known as the Family
28 Responsibility Fund. Moneys deposited into the Fund shall,
29 subject to appropriation, be used by the Office of the
30 Secretary of State for the purpose of enforcing the Family
31 Financial Responsibility Law.

32 (n) The Illinois Fire Fighters' Memorial Fund is created
33 as a special fund in the State Treasury. Moneys deposited
34 into the Fund shall, subject to appropriation, be used by the

1 Office of the State Fire Marshal for construction of the
2 Illinois Fire Fighters' Memorial to be located at the State
3 Capitol grounds in Springfield, Illinois. Upon the
4 completion of the Memorial, moneys in the Fund shall be used
5 in accordance with Section 3-634.

6 (o) Of the money collected for each certificate of title
7 for all-terrain vehicles and off-highway motorcycles, \$17
8 shall be deposited into the Off-Highway Vehicle Trails Fund.
9 (Source: P.A. 90-14, eff. 7-1-97; 90-287, eff. 1-1-98;
10 90-622, eff. 1-1-99; 91-37, eff. 7-1-99; 91-239, eff. 1-1-00;
11 91-537, eff. 8-13-99; 91-832, eff. 6-16-00; revised 7-5-00.)

12 (625 ILCS 5/3-616) (from Ch. 95 1/2, par. 3-616)

13 Sec. 3-616. Person with disabilities license plates.

14 (a) Upon receiving an application for a certificate of
15 registration for a motor vehicle of the first division or for
16 a motor vehicle of the second division weighing no more than
17 8,000 pounds, accompanied with payment of the registration
18 fees required under this Code from a person with disabilities
19 or a person who is deaf or hard of hearing ~~person~~, the
20 Secretary of State, if so requested, shall issue to such
21 person registration plates as provided for in Section 3-611,
22 provided that the person with disabilities or person who is
23 deaf or hard of hearing must not be disqualified from
24 obtaining a driver's license under subsection 8 of Section
25 6-103 of this Code, and further provided that any person
26 making such a request must submit a statement certified by a
27 licensed physician to the effect that such person is a person
28 with disabilities as defined by Section 1-159.1 of this Code,
29 or alternatively provide adequate documentation that such
30 person has a Class 1A, Class 2A or Type Four disability
31 under the provisions of Section 4A of the Illinois
32 Identification Card Act. For purposes of this Section, an
33 Illinois Disabled Person Identification Card issued pursuant

1 to the Illinois Identification Card Act indicating that the
2 person thereon named has a disability shall be adequate
3 documentation of such a disability.

4 (b) The Secretary shall issue plates under this Section
5 to a person without disabilities if a member of that person's
6 immediate family has a Class 1A or Class 2A disability as
7 defined in Section 4A of the Illinois Identification Card Act
8 or is a person with disabilities as defined by Section
9 1-159.1 of this Code, and does not possess a vehicle
10 registered in the name of the person with disabilities under
11 Section 3-616, provided that the person with disabilities
12 relies frequently on the applicant for transportation in the
13 vehicle to be registered. Only 2 ~~two~~ vehicles per family may
14 be registered under this subsection. Any person requesting
15 special plates under this subsection shall submit such
16 documentation or such physician's statement as is required in
17 subsection ~~paragraph~~ (a) and a statement describing the
18 circumstances qualifying for issuance of special plates under
19 this subsection.

20 (c) The Secretary may issue a person with disabilities
21 parking decal or device to a person with disabilities as
22 defined by Section 1-159.1 without regard to qualification of
23 such person with disabilities for a driver's license or
24 registration of a vehicle by such person with disabilities or
25 such person's immediate family, provided such person with
26 disabilities making such a request has been issued a Disabled
27 Person Identification Card indicating that the person named
28 thereon has a Class 1A or Class 2A disability, or
29 alternatively, submits a statement certified by a licensed
30 physician to the effect that such person is a person with
31 disabilities as defined by Section 1-159.1.

32 (d) The Secretary shall prescribe by rules and
33 regulations procedures to certify or re-certify as necessary
34 the eligibility of persons whose disabilities are other than

1 permanent for special plates or person with disabilities
2 parking decals or devices issued under subsections (a), (b)
3 and (c). Except as provided under subsection (f) of this
4 Section, no such special plates, decals or devices shall be
5 issued by the Secretary of State to or on behalf of any
6 person with disabilities unless such person is certified as
7 meeting the definition of a person with disabilities pursuant
8 to Section 1-159.1 or meeting the requirement of a Type Four
9 disability as provided under Section 4A of the Illinois
10 Identification Card Act for the period of time that the
11 physician determines the applicant will have the disability,
12 but not to exceed 6 months from the date of certification or
13 recertification.

14 (e) Any person requesting special plates under this
15 Section may also apply to have the special plates
16 personalized, as provided under Section 3-405.1.

17 (f) The Secretary of State, upon application, shall
18 issue person with disabilities registration plates or a
19 person with disabilities parking decal to corporations,
20 school districts, State or municipal agencies, limited
21 liability companies, nursing homes, convalescent homes, or
22 special education cooperatives which will transport persons
23 with disabilities. The Secretary shall prescribe by rule a
24 means to certify or re-certify the eligibility of
25 organizations to receive person with disabilities plates or
26 decals and to designate which of the 2 ~~two~~ person with
27 disabilities emblems shall be placed on qualifying vehicles.

28 (g) The Secretary of State, or his designee, may enter
29 into agreements with other jurisdictions, including foreign
30 jurisdictions, on behalf of this State relating to the
31 extension of parking privileges by such jurisdictions to
32 permanently disabled residents of this State who display a
33 special license plate or parking device that contains the
34 International symbol of access on his or her motor vehicle,

1 and to recognize such plates or devices issued by such other
 2 jurisdictions. This State shall grant the same parking
 3 privileges which are granted to disabled residents of this
 4 State to any non-resident whose motor vehicle is licensed in
 5 another state, district, territory or foreign country if such
 6 vehicle displays the international symbol of access or a
 7 distinguishing insignia on license plates or parking device
 8 issued in accordance with the laws of the non-resident's
 9 state, district, territory or foreign country.

10 (Source: P.A. 91-769, eff. 6-9-00; revised 12-26-00.)

11 (625 ILCS 5/3-818) (from Ch. 95 1/2, par. 3-818)

12 Sec. 3-818. (a) Mileage weight tax option. Any owner of
 13 a vehicle of the second division may elect to pay a mileage
 14 weight tax for such vehicle in lieu of the flat weight tax
 15 set out in Section 3-815. Such election shall be binding to
 16 the end of the registration year. Renewal of this election
 17 must be filed with the Secretary of State on or before July 1
 18 of each registration period. In such event the owner shall,
 19 at the time of making such election, pay the \$10 registration
 20 fee and the minimum guaranteed mileage weight tax, as
 21 hereinafter provided, which payment shall permit the owner to
 22 operate that vehicle the maximum mileage in this State
 23 hereinafter set forth. Any vehicle being operated on mileage
 24 plates cannot be operated outside of this State. In addition
 25 thereto, the owner of that vehicle shall pay a mileage weight
 26 tax at the following rates for each mile traveled in this
 27 State in excess of the maximum mileage provided under the
 28 minimum guaranteed basis:

29 BUS, TRUCK OR TRUCK TRACTOR

30		Maximum	Mileage
31		Minimum	Mileage Weight Tax
32		Guaranteed	Permitted for Mileage
33	Gross Weight	Mileage	Under in excess of

1	Vehicle and		Weight	Guaranteed	Guaranteed
2	Load	Class	Tax	Tax	Mileage
3	12,000 lbs. or less	MD	\$73	5,000	26 Mills
4	12,001 to 16,000 lbs.	MF	120	6,000	34 Mills
5	16,001 to 20,000 lbs.	MG	180	6,000	46 Mills
6	20,001 to 24,000 lbs.	MH	235	6,000	63 Mills
7	24,001 to 28,000 lbs.	MJ	315	7,000	63 Mills
8	28,001 to 32,000 lbs.	MK	385	7,000	83 Mills
9	32,001 to 36,000 lbs.	ML	485	7,000	99 Mills
10	36,001 to 40,000 lbs.	MN	615	7,000	128 Mills
11	40,001 to 45,000 lbs.	MP	695	7,000	139 Mills
12	45,001 to 54,999 lbs.	MR	853	7,000	156 Mills
13	55,000 to 59,500 lbs.	MS	920	7,000	178 Mills
14	59,501 to 64,000 lbs.	MT	985	7,000	195 Mills
15	64,001 to 73,280 lbs.	MV	1,173	7,000	225 Mills
16	73,281 to 77,000 lbs.	MX	1,328	7,000	258 Mills
17	77,001 to 80,000 lbs.	MZ	1,415	7,000	275 Mills

TRAILER

19			Maximum	Mileage	
20			Minimum	Mileage	Weight Tax
21			Guaranteed	Permitted	for Mileage
22	Gross Weight		Mileage	Under	in excess of
23	Vehicle and		Weight	Guaranteed	Guaranteed
24	Load	Class	Tax	Tax	Mileage
25	14,000 lbs. or less	ME	\$75	5,000	31 Mills
26	14,001 to 20,000 lbs.	MF	135	6,000	36 Mills
27	20,001 to 36,000 lbs.	ML	540	7,000	103 Mills
28	36,001 to 40,000 lbs.	MM	750	7,000	150 Mills

29 (a-1) A Special Hauling Vehicle is a vehicle or
30 combination of vehicles of the second division registered
31 under Section 3-813 transporting asphalt or concrete in the
32 plastic state or a vehicle or combination of vehicles that
33 are subject to the gross weight limitations in subsection (b)
34 of Section 15-111 for which the owner of the vehicle or

1 combination of vehicles has elected to pay, in addition to
2 the registration fee in subsection (a), \$125 to the Secretary
3 of State for each registration year. The Secretary shall
4 designate this class of vehicle as a Special Hauling Vehicle.

5 In preparing rate schedules on registration applications,
6 the Secretary of State shall add to the above rates, the \$10
7 registration fee. The Secretary may decline to accept any
8 renewal filed after July 1st.

9 The number of axles necessary to carry the maximum load
10 provided shall be determined from Chapter 15 of this Code.

11 Every owner of a second division motor vehicle for which
12 he has elected to pay a mileage weight tax shall keep a daily
13 record upon forms prescribed by the Secretary of State,
14 showing the mileage covered by that vehicle in this State.
15 Such record shall contain the license number of the vehicle
16 and the miles traveled by the vehicle in this State for each
17 day of the calendar month. Such owner shall also maintain
18 records of fuel consumed by each such motor vehicle and fuel
19 purchases therefor. On or before the 10th day of January and
20 July the owner shall certify to the Secretary of State upon
21 forms prescribed therefor, summaries of his daily records
22 which shall show the miles traveled by the vehicle in this
23 State during the preceding 6 months and such other
24 information as the Secretary of State may require. The daily
25 record and fuel records shall be filed, preserved and
26 available for audit for a period of 3 years. Any owner filing
27 a return hereunder shall certify that such return is a true,
28 correct and complete return. Any person who willfully makes a
29 false return hereunder is guilty of perjury and shall be
30 punished in the same manner and to the same extent as is
31 provided therefor.

32 At the time of filing his return, each owner shall pay to
33 the Secretary of State the proper amount of tax at the rate
34 herein imposed.

1 Every owner of a vehicle of the second division who
 2 elects to pay on a mileage weight tax basis and who operates
 3 the vehicle within this State, shall file with the Secretary
 4 of State a bond in the amount of \$500. The bond shall be in
 5 a form approved by the Secretary of State and with a surety
 6 company approved by the Illinois Department of Insurance to
 7 transact business in this State as surety, and shall be
 8 conditioned upon such applicant's paying to the State of
 9 Illinois all money becoming due by reason of the operation of
 10 the second division vehicle in this State, together with all
 11 penalties and interest thereon.

12 Upon notice from the Secretary that the registrant has
 13 failed to pay the excess mileage fees, the surety shall
 14 immediately pay the fees together with any penalties and
 15 interest thereon in an amount not to exceed the limits of the
 16 bond.

17 (Source: P.A. 91-37, eff. 7-1-99; 91-499, eff. 8-13-99;
 18 revised 10-26-99.)

19 (625 ILCS 5/3-821) (from Ch. 95 1/2, par. 3-821)
 20 Sec. 3-821. Miscellaneous Registration and Title Fees.

21 (a) The fee to be paid to the Secretary of State for the
 22 following certificates, registrations or evidences of proper
 23 registration, or for corrected or duplicate documents shall
 24 be in accordance with the following schedule:

25 Certificate of Title, except for an all-terrain	
26 vehicle or off-highway motorcycle	\$65
27 Certificate of Title for an all-terrain vehicle	
28 or off-highway motorcycle	\$30
29 Certificate of Title for an all-terrain vehicle	
30 or off-highway motorcycle used for production	
31 agriculture, or accepted by a dealer in trade	13
32 Transfer of Registration or any evidence of	
33 proper registration	15

1 Duplicate Registration Card for plates or other
2 evidence of proper registration 3
3 Duplicate Registration Sticker or Stickers, each 5
4 Duplicate Certificate of Title 65
5 Corrected Registration Card or Card for other
6 evidence of proper registration 3
7 Corrected Certificate of Title 65
8 Salvage Certificate 4
9 Fleet Reciprocity Permit 15
10 Prorate Decal 1
11 Prorate Backing Plate 3

12 There shall be no fee paid for a Junking Certificate.

13 (b) The Secretary may prescribe the maximum service
14 charge to be imposed upon an applicant for renewal of a
15 registration by any person authorized by law to receive and
16 remit or transmit to the Secretary such renewal application
17 and fees therewith.

18 (c) If a check is delivered to the Office of the
19 Secretary of State as payment of any fee or tax under this
20 Code, and such check is not honored by the bank on which it
21 is drawn for any reason, the registrant or other person
22 tendering the check remains liable for the payment of such
23 fee or tax. The Secretary of State may assess a service
24 charge of \$19 in addition to the fee or tax due and owing for
25 all dishonored checks.

26 If the total amount then due and owing exceeds the sum
27 of \$50 and has not been paid in full within 60 days from the
28 date such fee or tax became due to the Secretary of State,
29 the Secretary of State shall assess a penalty of 25% of such
30 amount remaining unpaid.

31 All amounts payable under this Section shall be computed
32 to the nearest dollar.

33 (d) The minimum fee and tax to be paid by any applicant
34 for apportionment of a fleet of vehicles under this Code

1 shall be \$15 if the application was filed on or before the
2 date specified by the Secretary together with fees and taxes
3 due. If an application and the fees or taxes due are filed
4 after the date specified by the Secretary, the Secretary may
5 prescribe the payment of interest at the rate of 1/2 of 1%
6 per month or fraction thereof after such due date and a
7 minimum of \$8.

8 (e) Trucks, truck tractors, truck tractors with loads,
9 and motor buses, any one of which having a combined total
10 weight in excess of 12,000 lbs. shall file an application for
11 a Fleet Reciprocity Permit issued by the Secretary of State.
12 This permit shall be in the possession of any driver
13 operating a vehicle on Illinois highways. Any foreign
14 licensed vehicle of the second division operating at any time
15 in Illinois without a Fleet Reciprocity Permit or other
16 proper Illinois registration, shall subject the operator to
17 the penalties provided in Section 3-834 of this Code. For
18 the purposes of this Code, "Fleet Reciprocity Permit" means
19 any second division motor vehicle with a foreign license and
20 used only in interstate transportation of goods. The fee for
21 such permit shall be \$15 per fleet which shall include all
22 vehicles of the fleet being registered.

23 (f) For purposes of this Section, "all-terrain vehicle
24 or off-highway motorcycle used for production agriculture"
25 means any all-terrain vehicle or off-highway motorcycle used
26 in the raising of or the propagation of livestock, crops for
27 sale for human consumption, crops for livestock consumption,
28 and production seed stock grown for the propagation of feed
29 grains and the husbandry of animals or for the purpose of
30 providing a food product, including the husbandry of blood
31 stock as a main source of providing a food product.
32 "All-terrain vehicle or off-highway motorcycle used in
33 production agriculture" also means any all-terrain vehicle or
34 off-highway motorcycle used in animal husbandry,

1 floriculture, aquaculture, horticulture, and viticulture.
2 (Source: P.A. 90-287, eff. 1-1-98; 90-774, eff. 8-14-98;
3 91-37, eff. 7-1-99; 91-441, eff. 1-1-00; revised 10-19-99.)

4 (625 ILCS 5/6-110.1)

5 Sec. 6-110.1. Confidentiality of captured photographs or
6 images. The Secretary of State shall maintain a file on or
7 contract to file all photographs and signatures obtained in
8 the process of issuing a driver's license, permit, or
9 identification card. The photographs and signatures shall be
10 confidential and shall not be disclosed except to the
11 following persons:

- 12 (1) the individual upon written request;
- 13 (2) officers and employees of the Secretary of
14 State who have a need to have access to the stored images
15 for purposes of issuing and controlling driver's
16 licenses, permits, or identification cards;
- 17 (3) law enforcement officials for a lawful, civil,
18 or criminal law enforcement investigation; or
- 19 (4) other entities that as the Secretary may exempt
20 by rule.

21 (Source: P.A. 90-191, eff. 1-1-98; revised 2-9-00.)

22 (625 ILCS 5/6-210) (from Ch. 95 1/2, par. 6-210)

23 Sec. 6-210. No operation under foreign license during
24 suspension or revocation in this State.

25 Any resident or nonresident whose drivers license or
26 permit or privilege to operate a motor vehicle in this State
27 has been suspended or revoked as provided in this Act shall
28 not operate a motor vehicle in this State:

- 29 (1) during the period of such suspension, except as
30 permitted by a restricted driving permit issued under the
31 provisions of Section 6-206 (b)-2 of this Act; or
- 32 (2) after such revocation until a license is

1 obtained when and as permitted under this Act, except as
2 permitted by a restricted driving permit issued under the
3 provisions ~~in paragraph (a)~~ of Section 6-205 of this Act.

4 (Source: P.A. 76-1586; revised 1-16-01.)

5 (625 ILCS 5/7-707)

6 Sec. 7-707. Payment of reinstatement fee. When an
7 obligor receives ~~Upon an obligors receiving~~ notice from the
8 Secretary of State that the suspension of driving privileges
9 has been terminated based upon receipt of notification from
10 the circuit clerk of the obligor's ~~obligors~~ compliance with a
11 court order of support, the obligor shall pay a \$30
12 reinstatement fee to the Secretary of State as set forth in
13 Section 6-118 of this Code. The fee shall be deposited into
14 the Family Responsibility Fund. In accordance with
15 subsection (e) of Section 6-115 of this Code, the Secretary
16 of State may decline to process a renewal of a driver's
17 license of a person who has not paid this fee.

18 (Source: P.A. 89-92, eff. 7-1-96; revised 10-20-00.)

19 (625 ILCS 5/11-501.5) (from Ch. 95 1/2, par. 11-501.5)

20 Sec. 11-501.5. Preliminary Breath Screening Test.

21 (a) If a law enforcement officer has reasonable suspicion
22 to believe that a person is violating or has violated Section
23 11-501 or a similar provision of a local ordinance, the
24 officer, prior to an arrest, may request the person to
25 provide a sample of his or her breath for a preliminary
26 breath screening test using a portable device approved by the
27 Department of State Police. The person may refuse the test.
28 The results of this preliminary breath screening test may be
29 used by the law enforcement officer for the purpose of
30 assisting with the determination of whether to require a
31 chemical test as authorized under Sections 11-501.1 and
32 11-501.2, and the appropriate type of test to request. Any

1 chemical test authorized under Sections 11-501.1 and 11-501.2
2 may be requested by the officer regardless of the result of
3 the preliminary breath screening test, if probable cause for
4 an arrest exists. The result of a preliminary breath
5 screening test may be used by the defendant as evidence in
6 any administrative or court proceeding involving a violation
7 of Section 11-501 or 11-501.1.

8 (b) The Department of State Police shall create a pilot
9 program to establish the effectiveness of pupillometer
10 technology (the measurement of the pupil's reaction to light)
11 as a noninvasive technique to detect and measure possible
12 impairment of any person who drives or is in actual physical
13 control of a motor vehicle resulting from the suspected usage
14 of alcohol, other drug or drugs, intoxicating compound or
15 compounds or any combination thereof. This technology shall
16 also be used to detect fatigue levels of the operator of a
17 Commercial Motor Vehicle as defined in Section 6-500(6),
18 pursuant to Section 18b-105 (Part 395-Hours of Service of
19 Drivers) of the Illinois Vehicle Code. A State Police
20 officer may request that the operator of a commercial motor
21 vehicle have his or her eyes examined or tested with a
22 pupillometer device. The person may refuse the examination
23 or test. The State Police officer shall have the device
24 readily available to limit undue delays.

25 If a State Police officer has reasonable suspicion to
26 believe that a person is violating or has violated Section
27 11-501, the officer may use the pupillometer technology, when
28 available. The officer, prior to an arrest, may request the
29 person to have his or her eyes examined or tested with a
30 pupillometer device. The person may refuse the examination
31 or test. The results of this examination or test may be used
32 by the officer for the purpose of assisting with the
33 determination of whether to require a chemical test as
34 authorized under Sections 11-501.1 and 11-501.2 and the

1 appropriate type of test to request. Any chemical test
2 authorized under Sections 11-501.1 and 11-501.2 may be
3 requested by the officer regardless of the result of the
4 pupillometer examination or test, if probable cause for an
5 arrest exists. The result of the examination or test may be
6 used by the defendant as evidence in any administrative or
7 court proceeding involving a violation of 11-501 or 11-501.1.

8 The pilot program shall last for a period of 18 months
9 and involve the testing of 15 pupillometer devices. Within
10 90 days of the completion of the pilot project, the
11 Department of State Police shall file a report with the
12 President of the Senate and Speaker of the House evaluating
13 the project.

14 (Source: P.A. 91-828, eff. 1-1-01; 91-881, eff. 6-30-00;
15 revised 7-12-00.)

16 (625 ILCS 5/12-201) (from Ch. 95 1/2, par. 12-201)

17 Sec. 12-201. When lighted lamps are required.

18 (a) When operated upon any highway in this State, every
19 motorcycle shall at all times exhibit at least one lighted
20 lamp, showing a white light visible for at least 500 feet in
21 the direction the motorcycle is proceeding. However, in lieu
22 of such lighted lamp, a motorcycle may be equipped with and
23 use a means of modulating the upper beam of the head lamp
24 between high and a lower brightness. No such head lamp shall
25 be modulated, except to otherwise comply with this Code,
26 during times when lighted lamps are required for other motor
27 vehicles.

28 (b) All other motor vehicles shall exhibit at least 2
29 lighted head lamps, with at least one on each side of the
30 front of the vehicle, which satisfy United States Department
31 of Transportation requirements, showing white lights,
32 including that emitted by high intensity discharge (HID)
33 lamps, or lights of a yellow or amber tint, during the period

1 from sunset to sunrise, at times when rain, snow, fog, or
2 other atmospheric conditions require the use of windshield
3 wipers, and at any other times when, due to insufficient
4 light or unfavorable atmospheric conditions, persons and
5 vehicles on the highway are not clearly discernible at a
6 distance of 1000 feet. Parking lamps may be used in addition
7 to but not in lieu of such head lamps. Every motor vehicle,
8 trailer, or semi-trailer shall also exhibit at least 2
9 lighted lamps, commonly known as tail lamps, which shall be
10 mounted on the left rear and right rear of the vehicle so as
11 to throw a red light visible for at least 500 feet in the
12 reverse direction, except that a truck tractor or road
13 tractor manufactured before January 1, 1968 and all
14 motorcycles need be equipped with only one such tail lamp.

15 (c) Either a tail lamp or a separate lamp shall be so
16 constructed and placed as to illuminate with a white light a
17 rear registration plate when required and render it clearly
18 legible from a distance of 50 feet to the rear. Any tail lamp
19 or tail lamps, together with any separate lamp or lamps for
20 illuminating a rear registration plate, shall be so wired as
21 to be lighted whenever the head lamps or auxiliary driving
22 lamps are lighted.

23 (d) A person shall install only head lamps that satisfy
24 United States Department of Transportation regulations and
25 show white light, including that emitted by HID lamps, or
26 light of a yellow or amber tint for use by a motor vehicle.

27 (Source: P.A. 91-130, eff. 1-1-00; 91-135, eff. 1-1-00;
28 revised 10-8-99.)

29 Section 85.2. The Official Court Reports Act is amended
30 by changing Section 6 as follows:

31 (705 ILCS 65/6) (from Ch. 37, par. 646)

32 Sec. 6. The reports of decisions of the Supreme Court

1 and Appellate Court shall be distributed as follows: Five
2 copies to the Library of Congress, one copy to the President
3 of the United States, one copy to each state and territorial
4 library, one copy to each State officer required to reside at
5 the seat of government, and one copy to the Legislative
6 Reference Bureau. Five copies shall be deposited in the
7 library of the Supreme Court of this State, and 2 copies
8 shall be deposited in the State Library for the use of the
9 State.

10 For the purpose of carrying into effect the provisions of
11 this Section, the Director of the Administrative Office of
12 the Illinois Courts is authorized and required to purchase a
13 sufficient number of copies of each volume of the said
14 reports from time to time as they are published.

15 This provision shall not be construed to require the
16 Director to purchase and distribute the reports to any office
17 or library that declines receipt of them.

18 The Director of the Administrative Office of the Illinois
19 Courts is authorized to purchase a sufficient number of
20 copies of each volume of reports as required by the judges,
21 clerks of courts, and research departments of the Supreme
22 Court, the Appellate Court, and the circuit courts of this
23 State.

24 (Source: P.A. 88-44; revised 2-23-00.)

25 Section 85.4. The Foreign Language Court Interpreter Act
26 is amended by changing Section 5 as follows:

27 (705 ILCS 78/5)

28 Sec. 5. Foreign Language Court Interpreter Program. The
29 Supreme Court may establish and administer by rule or
30 procedure a program of testing and certification for foreign
31 language court interpreters. The program may provide that:

32 (1) The Administrative Office of the Illinois

1 Courts may work cooperatively with community colleges and
2 other private or public educational institutions and with
3 other public or private organizations to establish a
4 certification preparation curriculum and suitable
5 training programs to ensure the availability of certified
6 interpreters. Training programs may be made readily
7 available throughout the State.

8 (2) The Administrative Office of the Illinois
9 Courts may establish and adopt standards of proficiency,
10 written and oral, in English and the language to be
11 interpreted.

12 (3) The Administrative Office of the Illinois
13 Courts may conduct periodic examinations to ensure the
14 availability of certified interpreters. Periodic
15 examinations may be made readily available throughout the
16 State.

17 (4) The Administrative Office of the Illinois
18 Courts may compile, maintain, and disseminate a current
19 list of interpreters certified by the Administrative
20 Office of the Illinois Courts.

21 (5) The Administrative Office of the Illinois
22 Courts may charge reasonable fees, as authorized by the
23 Supreme Court, for testing, training, and certification.
24 These fees shall be deposited into the Foreign Language
25 Interpreter Fund, which is hereby created as a special
26 fund in the State Treasury.

27 (6) The expenses of testing, training, and
28 certifying foreign language court interpreters under the
29 program, as authorized by the Supreme Court, may be paid,
30 subject to appropriation, from the Foreign Language
31 Interpreter Fund or any other source of funds available
32 for this purpose.

33 (Source: P.A. 90-771, eff. 1-1-99; revised 2-23-00.)

1 Section 86. The Clerks of Courts Act is amended by
2 changing Sections 27.1, 27.1a, and 27.2 as follows:

3 (705 ILCS 105/27.1) (from Ch. 25, par. 27.1)

4 Sec. 27.1. The fees of the Clerk of the Circuit Court in
5 all counties having a population of 180,000 inhabitants or
6 less shall be paid in advance, except as otherwise provided,
7 and shall be as follows:

8 (a) Civil Cases.

9 (1) All civil cases except as otherwise
10 provided..... \$40

11 (2) Judicial Sales (except Probate)..... \$40

12 (b) Family.

13 (1) Commitment petitions under the Mental
14 Health and Developmental Disabilities Code, filing
15 transcript of commitment proceedings held in
16 another county, and cases under the Juvenile Court
17 Act of 1987..... \$25

18 (2) Petition for Marriage Licenses..... \$10

19 (3) Marriages in Court..... \$10

20 (4) Paternity..... \$40

21 (c) Criminal and Quasi-Criminal.

22 (1) Each person convicted of a felony..... \$40

23 (2) Each person convicted of a misdemeanor,
24 leaving scene of an accident, driving while
25 intoxicated, reckless driving or drag racing,
26 driving when license revoked or suspended,
27 overweight, or no interstate commerce certificate,
28 or when the disposition is court supervision..... \$25

29 (3) Each person convicted of a business
30 offense..... \$25

31 (4) Each person convicted of a petty offense. \$25

32 (5) Minor traffic, conservation, or
33 ordinance violation, including

1 without limitation when the disposition is
2 court supervision:

3 (i) For each offense..... \$10

4 (ii) For each notice sent to the
5 defendant's last known address pursuant to
6 subsection (c) of Section 6-306.4 of the Illinois
7 Vehicle Code..... \$2

8 (iii) For each notice sent to the
9 Secretary of State pursuant to subsection (c) of
10 Section 6-306.4 of the Illinois Vehicle Code..... \$2

11 (6) When Court Appearance required..... \$15

12 (7) Motions to vacate or amend final orders.. \$10

13 (8) In ordinance violation cases punishable
14 by fine only, the clerk of the circuit court shall
15 be entitled to receive, unless the fee is excused
16 upon a finding by the court that the defendant is
17 indigent, in addition to other fees or costs
18 allowed or imposed by law, the sum of \$62.50 as a
19 fee for the services of a jury. The jury fee shall
20 be paid by the defendant at the time of filing his
21 or her jury demand. If the fee is not so paid by
22 the defendant, no jury shall be called, and the
23 case shall be tried by the court without a jury.

24 (d) Other Civil Cases_

25 (1) Money or personal property claimed does
26 not exceed \$500..... \$10

27 (2) Exceeds \$500 but not more than \$10,000... \$25

28 (3) Exceeds \$10,000, when relief in addition
29 to or supplemental to recovery of money alone is
30 sought in an action to recover personal property
31 taxes or retailers occupational tax regardless of
32 amount claimed..... \$45

33 (4) The Clerk of the Circuit Court shall be
34 entitled to receive, in addition to other fees

1 allowed by law, the sum of \$62.50, as a fee for the
 2 services of a jury in every civil action not
 3 quasi-criminal in its nature and not a proceeding
 4 for the exercise of the right of eminent domain,
 5 and in every equitable action wherein the right of
 6 trial by jury is or may be given by law. The jury
 7 fee shall be paid by the party demanding a jury at
 8 the time of filing his jury demand. If such a fee
 9 is not paid by either party, no jury shall be
 10 called in the action, suit, or proceeding, and the
 11 same shall be tried by the court without a jury.

12 (e) Confession of judgment and answer.

- 13 (1) When the amount does not exceed \$1,000... \$20
- 14 (2) Exceeds \$1,000..... \$40

15 (f) Auxiliary Proceedings.

16 Any auxiliary proceeding relating to the
 17 collection of a money judgment, including
 18 garnishment, citation, or wage deduction action.... \$5

19 (g) Forcible entry and detainer.

- 20 (1) For possession only or possession and
 21 rent not in excess of \$10,000..... \$10
- 22 (2) For possession and rent in excess of
 23 \$10,000..... \$40

24 (h) Eminent Domain.

- 25 (1) Exercise of Eminent Domain..... \$45
- 26 (2) For each and every lot or tract of land
 27 or right or interest therein subject to be
 28 condemned, the damages in respect to which shall
 29 require separate assessments by a jury..... \$45

30 (i) Reinstatement.

31 Each case including petition for modification
 32 of a judgment or order of Court if filed later than
 33 30 days after the entry of a judgment or order,
 34 except in forcible entry and detainer cases and

1 small claims and except a petition to modify,
 2 terminate, or enforce a judgement or order for
 3 child or spousal support or to modify, suspend, or
 4 terminate an order for withholding, petition to
 5 vacate judgment of dismissal for want of
 6 prosecution whenever filed, petition to reopen an
 7 estate, or redocketing of any cause..... \$20

8 (j) Probate.

9 (1) Administration of decedent's estates,
 10 whether testate or intestate, guardianships of the
 11 person or estate or both of a person under legal
 12 disability, guardianships of the person or estate
 13 or both of a minor or minors, or petitions to sell
 14 real estate in the administration of any estate.... \$50

15 (2) Small estates in cases where the real and
 16 personal property of an estate does not exceed
 17 \$5,000..... \$25

18 (3) At any time during the administration of
 19 the estate, however, at the request of the Clerk,
 20 the Court shall examine the record of the estate
 21 and the personal representative to determine the
 22 total value of the real and personal property of
 23 the estate, and if such value exceeds \$5,000 shall
 24 order the payment of an additional fee in the
 25 amount of..... \$40

26 (4) Inheritance tax proceedings..... \$15

27 (5) Issuing letters only for a certain
 28 specific reason other than the administration of an
 29 estate, including but not limited to the release of
 30 mortgage; the issue of letters of guardianship in
 31 order that consent to marriage may be granted or
 32 for some other specific reason other than for the
 33 care of property or person; proof of heirship
 34 without administration; or when a will is to be

1 admitted to probate, but the estate is to be
2 settled without administration..... \$10

3 (6) When a separate complaint relating to any
4 matter other than a routine claim is filed in an
5 estate, the required additional fee shall be
6 charged for such filing..... \$45

7 (k) Change of Venue.
8 From a court, the charge is the same amount as
9 the original filing fee; however, the fee for
10 preparation and certification of record on change
11 of venue, when original documents or copies are
12 forwarded..... \$10

13 (l) Answer, adverse pleading, or appearance.
14 In civil cases..... \$15

15 With the following exceptions:
16 (1) When the amount does not exceed \$500..... \$5
17 (2) When amount exceeds \$500 but not \$10,000. \$10
18 (3) When amount exceeds \$10,000..... \$15
19 (4) Court appeals when documents are
20 forwarded, over 200 pages, additional fee per page
21 over 200..... 10¢

22 (m) Tax objection complaints.
23 For each tax objection complaint containing
24 one or more tax objections, regardless of the
25 number of parcels involved or the number of
26 taxpayers joining the complaint..... \$10

27 (n) Tax deed.
28 (1) Petition for tax deed, if only one parcel
29 is involved..... \$45
30 (2) For each additional parcel involved, an
31 additional fee of..... \$10

32 (o) Mailing Notices and Processes.
33 (1) All notices that the clerk is required to
34 mail as first class mail..... \$2

1 (2) For all processes or notices the Clerk is
 2 required to mail by certified or registered mail,
 3 the fee will be \$2 plus cost of postage.

4 (p) Certification or Authentication.

5 (1) Each certification or authentication for
 6 taking the acknowledgement of a deed or other
 7 instrument in writing with seal of office..... \$2

8 (2) Court appeals when original documents are
 9 forwarded, 100 pages or under, plus delivery costs. \$25

10 (3) Court appeals when original documents are
 11 forwarded, over 100 pages, plus delivery costs..... \$60

12 (4) Court appeals when original documents are
 13 forwarded, over 200 pages, additional fee per page
 14 over 200..... 10¢

15 (q) Reproductions.

16 Each record of proceedings and judgment,
 17 whether on appeal, change of venue, certified
 18 copies of orders and judgments, and all other
 19 instruments, documents, records, or papers:

20 (1) First page..... \$1

21 (2) Next 19 pages, per page..... 50¢

22 (3) All remaining pages, per page..... 25¢

23 (r) Counterclaim.

24 When any defendant files a counterclaim as
 25 part of his or her answer or otherwise, or joins
 26 another party as a third party defendant, or both,
 27 he or she shall pay a fee for each such
 28 counterclaim or third party action in an amount
 29 equal to the fee he or she would have had to pay
 30 had he or she brought a separate action for the
 31 relief sought in the counterclaim or against the
 32 third party defendant, less the amount of the
 33 appearance fee, if that has been paid.

34 (s) Transcript of Judgment.

1 From a court, the same fee as if case
2 originally filed.

3 (t) Publications.

4 The cost of publication shall be paid directly
5 to the publisher by the person seeking the
6 publication, whether the clerk is required by law
7 to publish, or the parties to the action.

8 (u) Collections.

9 (1) For all collections made for others,
10 except the State and County and except in
11 maintenance or child support cases, a sum equal to
12 2% of the amount collected and turned over.

13 (2) In any cases remanded to the Circuit
14 Court from the Supreme Court or the Appellate
15 Court, the Clerk shall file the remanding order and
16 reinstate the case with either its original number
17 or a new number. The Clerk shall not charge any
18 new or additional fee for the reinstatement. Upon
19 reinstatement the Clerk shall advise the parties of
20 the reinstatement. A party shall have the same
21 right to a jury trial on remand and reinstatement
22 as he or she had before the appeal, and no
23 additional or new fee or charge shall be made for a
24 jury trial after remand.

25 (3) In maintenance and child support matters,
26 the Clerk may deduct from each payment an amount
27 equal to the United States postage to be used in
28 mailing the maintenance or child support check to
29 the recipient. In such cases, the Clerk shall
30 collect an annual fee of up to \$36 from the person
31 making such payment for maintaining child support
32 records and the processing of support orders to the
33 State of Illinois KIDS system and the recording of
34 payments issued by the State Disbursement Unit for

1 the official record of the Court. Such sum shall be
 2 in addition to and separate from amounts ordered to
 3 be paid as maintenance or child support and shall
 4 be deposited in a separate Maintenance and Child
 5 Support Collection Fund of which the Clerk shall be
 6 the custodian, ex officio, to be used by the Clerk
 7 to maintain child support orders and record all
 8 payments issued by the State Disbursement Unit for
 9 the official record of the Court. Unless paid in
 10 cash or pursuant to an order for withholding, the
 11 payment of the fee shall be by a separate
 12 instrument from the support payment and shall be
 13 made to the order of the Clerk. The Clerk may
 14 recover from the person making the maintenance or
 15 child support payment any additional cost incurred
 16 in the collection of this annual fee.

17 (4) Interest earned on any funds held by the
 18 clerk shall be turned over to the county general
 19 fund as an earning of the office.

20 The Clerk shall also be entitled to a fee of
 21 \$5 for certifications made to the Secretary of
 22 State as provided in Section 7-703 of the Family
 23 Financial Responsibility Law and these fees shall
 24 also be deposited into the Separate Maintenance and
 25 Child Support Collection Fund.

26 (v) Correction of Cases.

27 For correcting the case number or case title
 28 on any document filed in his office, to be charged
 29 against the party that filed the document..... \$10

30 (w) Record Search.

31 For searching a record, per year searched..... \$4

32 (x) Printed Output.

33 For each page of hard copy print output, when
 34 case records are maintained on an automated medium. \$2

1 (y) Alias Summons.

2 For each alias summons issued..... \$2

3 (z) Expungement of Records.

4 For each expungement petition filed..... \$15

5 (aa) Other Fees.

6 Any fees not covered by this Section shall be set by
7 rule or administrative order of the Circuit Court, with
8 the approval of the Supreme Court.

9 (bb) Exemptions.

10 No fee provided for herein shall be charged to any
11 unit of State or local government or school district
12 unless the Court orders another party to pay such fee on
13 its behalf. The fee requirements of this Section shall
14 not apply to police departments or other law enforcement
15 agencies. In this Section, "law enforcement agency"
16 means an agency of the State or a unit of local
17 government that is vested by law or ordinance with the
18 duty to maintain public order and to enforce criminal
19 laws and ordinances. The fee requirements of this Section
20 shall not apply to any action instituted under subsection
21 (b) of Section 11-31-1 of the Illinois Municipal Code by
22 a private owner or tenant of real property within 1200
23 feet of a dangerous or unsafe building seeking an order
24 compelling the owner or owners of the building to take
25 any of the actions authorized under that subsection.

26 (cc) Adoptions.

27 (1) For an adoption.....\$65

28 (2) Upon good cause shown, the court may waive the
29 adoption filing fee in a special needs adoption. The
30 term "special needs adoption" shall have the meaning
31 ascribed to it by the Illinois Department of Children and
32 Family Services.

33 (dd) Adoption exemptions.

34 No fee other than that set forth in subsection (cc)

1 shall be charged to any person in connection with an
2 adoption proceeding.

3 (ee) Additional Services.

4 Beginning July 1, 1993, the clerk of the circuit
5 court may provide such additional services for which
6 there is no fee specified by statute in connection with
7 the operation of the clerk's office as may be requested
8 by the public and agreed to by the public and by the
9 clerk and approved by the chief judge of the circuit
10 court. Any charges for additional services shall be as
11 agreed to between the clerk and the party making the
12 request and approved by the chief judge of the circuit
13 court. Nothing in this subsection shall be construed to
14 require any clerk to provide any service not otherwise
15 required by law.

16 (Source: P.A. 90-466, eff. 8-17-97; 90-796, eff. 12-15-98;
17 91-165, eff. 7-16-99; 91-321, eff. 1-1-00; 91-357, eff.
18 7-29-99; 91-612, eff. 10-1-99; revised 10-26-99.)

19 (705 ILCS 105/27.1a) (from Ch. 25, par. 27.1a)

20 Sec. 27.1a. The fees of the clerks of the circuit court
21 in all counties having a population in excess of 180,000 but
22 not more than 650,000 inhabitants in the instances described
23 in this Section shall be as provided in this Section. The
24 fees shall be paid in advance and shall be as follows:

25 (a) Civil Cases.

26 The fee for filing a complaint, petition, or other
27 pleading initiating a civil action, with the following
28 exceptions, shall be \$150.

29 (A) When the amount of money or damages or the
30 value of personal property claimed does not exceed
31 \$250, \$10.

32 (B) When that amount exceeds \$250 but does not
33 exceed \$500, \$20.

1 (C) When that amount exceeds \$500 but does not
2 exceed \$2500, \$30.

3 (D) When that amount exceeds \$2500 but does
4 not exceed \$15,000, \$75.

5 (E) For the exercise of eminent domain, \$150.
6 For each additional lot or tract of land or right or
7 interest therein subject to be condemned, the
8 damages in respect to which shall require separate
9 assessment by a jury, \$150.

10 (a-1) Family.

11 For filing a petition under the Juvenile Court Act
12 of 1987, \$25.

13 For filing a petition for a marriage license, \$10.

14 For performing a marriage in court, \$10.

15 For filing a petition under the Illinois Parentage
16 Act of 1984, \$40.

17 (b) Forcible Entry and Detainer.

18 In each forcible entry and detainer case when the
19 plaintiff seeks possession only or unites with his or her
20 claim for possession of the property a claim for rent or
21 damages or both in the amount of \$15,000 or less, \$40.
22 When the plaintiff unites his or her claim for possession
23 with a claim for rent or damages or both exceeding
24 \$15,000, \$150.

25 (c) Counterclaim or Joining Third Party Defendant.

26 When any defendant files a counterclaim as part of
27 his or her answer or otherwise or joins another party as
28 a third party defendant, or both, the defendant shall pay
29 a fee for each counterclaim or third party action in an
30 amount equal to the fee he or she would have had to pay
31 had he or she brought a separate action for the relief
32 sought in the counterclaim or against the third party
33 defendant, less the amount of the appearance fee, if that
34 has been paid.

1 (d) Confession of Judgment.

2 In a confession of judgment when the amount does not
3 exceed \$1500, \$50. When the amount exceeds \$1500, but
4 does not exceed \$15,000, \$115. When the amount exceeds
5 \$15,000, \$200.

6 (e) Appearance.

7 The fee for filing an appearance in each civil case
8 shall be \$50, except as follows:

9 (A) When the plaintiff in a forcible entry and
10 detainer case seeks possession only, \$20.

11 (B) When the amount in the case does not
12 exceed \$1500, \$20.

13 (C) When that amount exceeds \$1500 but does
14 not exceed \$15,000, \$40.

15 (f) Garnishment, Wage Deduction, and Citation.

16 In garnishment affidavit, wage deduction affidavit,
17 and citation petition when the amount does not exceed
18 \$1,000, \$10; when the amount exceeds \$1,000 but does not
19 exceed \$5,000, \$20; and when the amount exceeds \$5,000,
20 \$30.

21 (g) Petition to Vacate or Modify.

22 (1) Petition to vacate or modify any final judgment
23 or order of court, except in forcible entry and detainer
24 cases and small claims cases or a petition to reopen an
25 estate, to modify, terminate, or enforce a judgment or
26 order for child or spousal support, or to modify,
27 suspend, or terminate an order for withholding, if filed
28 before 30 days after the entry of the judgment or order,
29 \$40.

30 (2) Petition to vacate or modify any final judgment
31 or order of court, except a petition to modify,
32 terminate, or enforce a judgment or order for child or
33 spousal support or to modify, suspend, or terminate an
34 order for withholding, if filed later than 30 days after

1 the entry of the judgment or order, \$60.

2 (3) Petition to vacate order of bond forfeiture,
3 \$20.

4 (h) Mailing.

5 When the clerk is required to mail, the fee will be
6 \$6, plus the cost of postage.

7 (i) Certified Copies.

8 Each certified copy of a judgment after the first,
9 except in small claims and forcible entry and detainer
10 cases, \$10.

11 (j) Habeas Corpus.

12 For filing a petition for relief by habeas corpus,
13 \$80.

14 (k) Certification, Authentication, and Reproduction.

15 (1) Each certification or authentication for taking
16 the acknowledgment of a deed or other instrument in
17 writing with the seal of office, \$4.

18 (2) Court appeals when original documents are
19 forwarded, under 100 pages, plus delivery and costs, \$50.

20 (3) Court appeals when original documents are
21 forwarded, over 100 pages, plus delivery and costs, \$120.

22 (4) Court appeals when original documents are
23 forwarded, over 200 pages, an additional fee of 20 cents
24 per page.

25 (5) For reproduction of any document contained in
26 the clerk's files:

27 (A) First page, \$2.

28 (B) Next 19 pages, 50 cents per page.

29 (C) All remaining pages, 25 cents per page.

30 (l) Remands.

31 In any cases remanded to the Circuit Court from the
32 Supreme Court or the Appellate Court for a new trial, the
33 clerk shall file the remanding order and reinstate the
34 case with either its original number or a new number. The

1 Clerk shall not charge any new or additional fee for the
2 reinstatement. Upon reinstatement the Clerk shall advise
3 the parties of the reinstatement. A party shall have the
4 same right to a jury trial on remand and reinstatement as
5 he or she had before the appeal, and no additional or new
6 fee or charge shall be made for a jury trial after
7 remand.

8 (m) Record Search.

9 For each record search, within a division or
10 municipal district, the clerk shall be entitled to a
11 search fee of \$4 for each year searched.

12 (n) Hard Copy.

13 For each page of hard copy print output, when case
14 records are maintained on an automated medium, the clerk
15 shall be entitled to a fee of \$4.

16 (o) Index Inquiry and Other Records.

17 No fee shall be charged for a single
18 plaintiff/defendant index inquiry or single case record
19 inquiry when this request is made in person and the
20 records are maintained in a current automated medium, and
21 when no hard copy print output is requested. The fees to
22 be charged for management records, multiple case records,
23 and multiple journal records may be specified by the
24 Chief Judge pursuant to the guidelines for access and
25 dissemination of information approved by the Supreme
26 Court.

27 (p) Commitment Petitions.

28 For filing commitment petitions under the Mental
29 Health and Developmental Disabilities Code and for filing
30 a transcript of commitment proceedings held in another
31 county, \$25.

32 (q) Alias Summons.

33 For each alias summons or citation issued by the
34 clerk, \$4.

1 (r) Other Fees.

2 Any fees not covered in this Section shall be set by
3 rule or administrative order of the Circuit Court with
4 the approval of the Administrative Office of the Illinois
5 Courts.

6 The clerk of the circuit court may provide
7 additional services for which there is no fee specified
8 by statute in connection with the operation of the
9 clerk's office as may be requested by the public and
10 agreed to by the clerk and approved by the chief judge of
11 the circuit court. Any charges for additional services
12 shall be as agreed to between the clerk and the party
13 making the request and approved by the chief judge of the
14 circuit court. Nothing in this subsection shall be
15 construed to require any clerk to provide any service not
16 otherwise required by law.

17 (s) Jury Services.

18 The clerk shall be entitled to receive, in addition
19 to other fees allowed by law, the sum of \$192.50, as a
20 fee for the services of a jury in every civil action not
21 quasi-criminal in its nature and not a proceeding for the
22 exercise of the right of eminent domain and in every
23 other action wherein the right of trial by jury is or may
24 be given by law. The jury fee shall be paid by the party
25 demanding a jury at the time of filing the jury demand.
26 If the fee is not paid by either party, no jury shall be
27 called in the action or proceeding, and the same shall be
28 tried by the court without a jury.

29 (t) Voluntary Assignment.

30 For filing each deed of voluntary assignment, \$10;
31 for recording the same, 25¢ for each 100 words.
32 Exceptions filed to claims presented to an assignee of a
33 debtor who has made a voluntary assignment for the
34 benefit of creditors shall be considered and treated, for

1 the purpose of taxing costs therein, as actions in which
 2 the party or parties filing the exceptions shall be
 3 considered as party or parties plaintiff, and the
 4 claimant or claimants as party or parties defendant, and
 5 those parties respectively shall pay to the clerk the
 6 same fees as provided by this Section to be paid in other
 7 actions.

8 (u) Expungement Petition.

9 The clerk shall be entitled to receive a fee of \$30
 10 for each expungement petition filed and an additional fee
 11 of \$2 for each certified copy of an order to expunge
 12 arrest records.

13 (v) Probate.

14 The clerk is entitled to receive the fees specified in
 15 this subsection (v), which shall be paid in advance, except
 16 that, for good cause shown, the court may suspend, reduce, or
 17 release the costs payable under this subsection:

18 (1) For administration of the estate of a decedent
 19 (whether testate or intestate) or of a missing person,
 20 \$100, plus the fees specified in subsection (v)(3),
 21 except:

22 (A) When the value of the real and personal
 23 property does not exceed \$15,000, the fee shall be
 24 \$25.

25 (B) When (i) proof of heirship alone is made,
 26 (ii) a domestic or foreign will is admitted to
 27 probate without administration (including proof of
 28 heirship), or (iii) letters of office are issued for
 29 a particular purpose without administration of the
 30 estate, the fee shall be \$25.

31 (2) For administration of the estate of a ward,
 32 \$50, plus the fees specified in subsection (v)(3),
 33 except:

34 (A) When the value of the real and personal

1 property does not exceed \$15,000, the fee shall be
2 \$25.

3 (B) When (i) letters of office are issued to a
4 guardian of the person or persons, but not of the
5 estate or (ii) letters of office are issued in the
6 estate of a ward without administration of the
7 estate, including filing or joining in the filing of
8 a tax return or releasing a mortgage or consenting
9 to the marriage of the ward, the fee shall be \$10.

10 (3) In addition to the fees payable under
11 subsection (v)(1) or (v)(2) of this Section, the
12 following fees are payable:

13 (A) For each account (other than one final
14 account) filed in the estate of a decedent, or ward,
15 \$15.

16 (B) For filing a claim in an estate when the
17 amount claimed is \$150 or more but less than \$500,
18 \$10; when the amount claimed is \$500 or more but
19 less than \$10,000, \$25; when the amount claimed is
20 \$10,000 or more, \$40; provided that the court in
21 allowing a claim may add to the amount allowed the
22 filing fee paid by the claimant.

23 (C) For filing in an estate a claim, petition,
24 or supplemental proceeding based upon an action
25 seeking equitable relief including the construction
26 or contest of a will, enforcement of a contract to
27 make a will, and proceedings involving testamentary
28 trusts or the appointment of testamentary trustees,
29 \$40.

30 (D) For filing in an estate (i) the appearance
31 of any person for the purpose of consent or (ii) the
32 appearance of an executor, administrator,
33 administrator to collect, guardian, guardian ad
34 litem, or special administrator, no fee.

1 (E) Except as provided in subsection
2 (v)(3)(D), for filing the appearance of any person
3 or persons, \$10.

4 (F) For each jury demand, \$102.50.

5 (G) For disposition of the collection of a
6 judgment or settlement of an action or claim for
7 wrongful death of a decedent or of any cause of
8 action of a ward, when there is no other
9 administration of the estate, \$30, less any amount
10 paid under subsection (v)(1)(B) or (v)(2)(B) except
11 that if the amount involved does not exceed \$5,000,
12 the fee, including any amount paid under subsection
13 (v)(1)(B) or (v)(2)(B), shall be \$10.

14 (H) For each certified copy of letters of
15 office, of court order or other certification, \$1,
16 plus 50¢ per page in excess of 3 pages for the
17 document certified.

18 (I) For each exemplification, \$1, plus the fee
19 for certification.

20 (4) The executor, administrator, guardian,
21 petitioner, or other interested person or his or her
22 attorney shall pay the cost of publication by the clerk
23 directly to the newspaper.

24 (5) The person on whose behalf a charge is incurred
25 for witness, court reporter, appraiser, or other
26 miscellaneous fee shall pay the same directly to the
27 person entitled thereto.

28 (6) The executor, administrator, guardian,
29 petitioner, or other interested person or his or her
30 attorney shall pay to the clerk all postage charges
31 incurred by the clerk in mailing petitions, orders,
32 notices, or other documents pursuant to the provisions of
33 the Probate Act of 1975.

34 (w) Criminal and Quasi-Criminal Costs and Fees.

1 (1) The clerk shall be entitled to costs in all
2 criminal and quasi-criminal cases from each person
3 convicted or sentenced to supervision therein as follows:

- 4 (A) Felony complaints, \$80.
- 5 (B) Misdemeanor complaints, \$50.
- 6 (C) Business offense complaints, \$50.
- 7 (D) Petty offense complaints, \$50.
- 8 (E) Minor traffic or ordinance violations,
9 \$20.
- 10 (F) When court appearance required, \$30.
- 11 (G) Motions to vacate or amend final orders,
12 \$20.
- 13 (H) Motions to vacate bond forfeiture orders,
14 \$20.
- 15 (I) Motions to vacate ex parte judgments,
16 whenever filed, \$20.
- 17 (J) Motions to vacate judgment on forfeitures,
18 whenever filed, \$20.
- 19 (K) Motions to vacate "failure to appear" or
20 "failure to comply" notices sent to the Secretary of
21 State, \$20.

22 (2) In counties having a population in excess of
23 180,000 but not more than 650,000 inhabitants, when the
24 violation complaint is issued by a municipal police
25 department, the clerk shall be entitled to costs from
26 each person convicted therein as follows:

- 27 (A) Minor traffic or ordinance violations,
28 \$10.
- 29 (B) When court appearance required, \$15.

30 (3) In ordinance violation cases punishable by fine
31 only, the clerk of the circuit court shall be entitled to
32 receive, unless the fee is excused upon a finding by the
33 court that the defendant is indigent, in addition to
34 other fees or costs allowed or imposed by law, the sum of

1 \$62.50 as a fee for the services of a jury. The jury fee
2 shall be paid by the defendant at the time of filing his
3 or her jury demand. If the fee is not so paid by the
4 defendant, no jury shall be called, and the case shall be
5 tried by the court without a jury.

6 (x) Transcripts of Judgment.

7 For the filing of a transcript of judgment, the
8 clerk shall be entitled to the same fee as if it were the
9 commencement of a new suit.

10 (y) Change of Venue.

11 (1) For the filing of a change of case on a change
12 of venue, the clerk shall be entitled to the same fee as
13 if it were the commencement of a new suit.

14 (2) The fee for the preparation and certification
15 of a record on a change of venue to another jurisdiction,
16 when original documents are forwarded, \$25.

17 (z) Tax objection complaints.

18 For each tax objection complaint containing one or
19 more tax objections, regardless of the number of parcels
20 involved or the number of taxpayers joining on the
21 complaint, \$25.

22 (aa) Tax Deeds.

23 (1) Petition for tax deed, if only one parcel is
24 involved, \$150.

25 (2) For each additional parcel, add a fee of \$50.

26 (bb) Collections.

27 (1) For all collections made of others, except the
28 State and county and except in maintenance or child
29 support cases, a sum equal to 2.5% of the amount
30 collected and turned over.

31 (2) Interest earned on any funds held by the clerk
32 shall be turned over to the county general fund as an
33 earning of the office.

34 (3) For any check, draft, or other bank instrument

1 returned to the clerk for non-sufficient funds, account
2 closed, or payment stopped, \$25.

3 (4) In child support and maintenance cases, the
4 clerk, if authorized by an ordinance of the county board,
5 may collect an annual fee of up to \$36 from the person
6 making payment for maintaining child support records and
7 the processing of support orders to the State of Illinois
8 KIDS system and the recording of payments issued by the
9 State Disbursement Unit for the official record of the
10 Court. This fee shall be in addition to and separate
11 from amounts ordered to be paid as maintenance or child
12 support and shall be deposited into a Separate
13 Maintenance and Child Support Collection Fund, of which
14 the clerk shall be the custodian, ex-officio, to be used
15 by the clerk to maintain child support orders and record
16 all payments issued by the State Disbursement Unit for
17 the official record of the Court. The clerk may recover
18 from the person making the maintenance or child support
19 payment any additional cost incurred in the collection
20 of this annual fee.

21 The clerk shall also be entitled to a fee of \$5 for
22 certifications made to the Secretary of State as provided
23 in Section 7-703 of the Family Financial Responsibility
24 Law and these fees shall also be deposited into the
25 Separate Maintenance and Child Support Collection Fund.

26 (cc) Corrections of Numbers.

27 For correction of the case number, case title, or
28 attorney computer identification number, if required by
29 rule of court, on any document filed in the clerk's
30 office, to be charged against the party that filed the
31 document, \$15.

32 (dd) Exceptions.

33 (1) The fee requirements of this Section shall not
34 apply to police departments or other law enforcement

1 agencies. In this Section, "law enforcement agency"
 2 means an agency of the State or a unit of local
 3 government which is vested by law or ordinance with the
 4 duty to maintain public order and to enforce criminal
 5 laws or ordinances. "Law enforcement agency" also means
 6 the Attorney General or any state's attorney.

7 (2) No fee provided herein shall be charged to any
 8 unit of local government or school district.

9 (3) The fee requirements of this Section shall not
 10 apply to any action instituted under subsection (b) of
 11 Section 11-31-1 of the Illinois Municipal Code by a
 12 private owner or tenant of real property within 1200 feet
 13 of a dangerous or unsafe building seeking an order
 14 compelling the owner or owners of the building to take
 15 any of the actions authorized under that subsection.

16 (ee) Adoptions.

17 (1) For an adoption.....\$65

18 (2) Upon good cause shown, the court may waive the
 19 adoption filing fee in a special needs adoption. The
 20 term "special needs adoption" shall have the meaning
 21 ascribed to it by the Illinois Department of Children and
 22 Family Services.

23 (ff) Adoption exemptions.

24 No fee other than that set forth in subsection (ee)
 25 shall be charged to any person in connection with an
 26 adoption proceeding.

27 (Source: P.A. 90-466, eff. 8-17-97; 90-796, eff. 12-15-98;
 28 91-321, eff. 1-1-00; 91-612, eff. 10-1-99; revised 10-15-99.)

29 (705 ILCS 105/27.2) (from Ch. 25, par. 27.2)

30 Sec. 27.2. The fees of the clerks of the circuit court
 31 in all counties having a population in excess of 650,000
 32 inhabitants but less than 3,000,000 inhabitants in the
 33 instances described in this Section shall be as provided in

1 this Section. In addition, the fees provided in this Section
2 shall apply to all units of local government and school
3 districts in counties with more than 3,000,000 inhabitants.
4 The fees shall be paid in advance and shall be as follows:

5 (a) Civil Cases.

6 The fee for filing a complaint, petition, or other
7 pleading initiating a civil action, with the following
8 exceptions, shall be \$150.

9 (A) When the amount of money or damages or the
10 value of personal property claimed does not exceed
11 \$250, \$10.

12 (B) When that amount exceeds \$250 but does not
13 exceed \$500, \$20.

14 (C) When that amount exceeds \$500 but does not
15 exceed \$2500, \$30.

16 (D) When that amount exceeds \$2500 but does
17 not exceed \$15,000, \$75.

18 (E) For the exercise of eminent domain, \$150.
19 For each additional lot or tract of land or right or
20 interest therein subject to be condemned, the
21 damages in respect to which shall require separate
22 assessment by a jury, \$150.

23 (b) Forcible Entry and Detainer.

24 In each forcible entry and detainer case when the
25 plaintiff seeks possession only or unites with his or her
26 claim for possession of the property a claim for rent or
27 damages or both in the amount of \$15,000 or less, \$40.
28 When the plaintiff unites his or her claim for possession
29 with a claim for rent or damages or both exceeding
30 \$15,000, \$150.

31 (c) Counterclaim or Joining Third Party Defendant.

32 When any defendant files a counterclaim as part of
33 his or her answer or otherwise or joins another party as
34 a third party defendant, or both, the defendant shall pay

1 a fee for each counterclaim or third party action in an
2 amount equal to the fee he or she would have had to pay
3 had he or she brought a separate action for the relief
4 sought in the counterclaim or against the third party
5 defendant, less the amount of the appearance fee, if that
6 has been paid.

7 (d) Confession of Judgment.

8 In a confession of judgment when the amount does not
9 exceed \$1500, \$50. When the amount exceeds \$1500, but
10 does not exceed \$15,000, \$115. When the amount exceeds
11 \$15,000, \$200.

12 (e) Appearance.

13 The fee for filing an appearance in each civil case
14 shall be \$50, except as follows:

15 (A) When the plaintiff in a forcible entry and
16 detainer case seeks possession only; \$20.

17 (B) When the amount in the case does not
18 exceed \$1500, \$20.

19 (C) When that amount exceeds \$1500 but does
20 not exceed \$15,000, \$40.

21 (f) Garnishment, Wage Deduction, and Citation.

22 In garnishment affidavit, wage deduction affidavit,
23 and citation petition when the amount does not exceed
24 \$1,000, \$10; when the amount exceeds \$1,000 but does not
25 exceed \$5,000, \$20; and when the amount exceeds \$5,000,
26 \$30.

27 (g) Petition to Vacate or Modify.

28 (1) Petition to vacate or modify any final judgment
29 or order of court, except in forcible entry and detainer
30 cases and small claims cases or a petition to reopen an
31 estate, to modify, terminate, or enforce a judgment or
32 order for child or spousal support, or to modify,
33 suspend, or terminate an order for withholding, if filed
34 before 30 days after the entry of the judgment or order,

1 \$40.

2 (2) Petition to vacate or modify any final judgment
3 or order of court, except a petition to modify,
4 terminate, or enforce a judgment or order for child or
5 spousal support or to modify, suspend, or terminate an
6 order for withholding, if filed later than 30 days after
7 the entry of the judgment or order, \$60.

8 (3) Petition to vacate order of bond forfeiture,
9 \$20.

10 (h) Mailing.

11 When the clerk is required to mail, the fee will be
12 \$6, plus the cost of postage.

13 (i) Certified Copies.

14 Each certified copy of a judgment after the first,
15 except in small claims and forcible entry and detainer
16 cases, \$10.

17 (j) Habeas Corpus.

18 For filing a petition for relief by habeas corpus,
19 \$80.

20 (k) Certification, Authentication, and Reproduction.

21 (1) Each certification or authentication for taking
22 the acknowledgment of a deed or other instrument in
23 writing with the seal of office, \$4.

24 (2) Court appeals when original documents are
25 forwarded, under 100 pages, plus delivery and costs, \$50.

26 (3) Court appeals when original documents are
27 forwarded, over 100 pages, plus delivery and costs, \$120.

28 (4) Court appeals when original documents are
29 forwarded, over 200 pages, an additional fee of 20 cents
30 per page.

31 (5) For reproduction of any document contained in
32 the clerk's files:

33 (A) First page, \$2.

34 (B) Next 19 pages, 50 cents per page.

1 (C) All remaining pages, 25 cents per page.

2 (l) Remands.

3 In any cases remanded to the Circuit Court from the
4 Supreme Court or the Appellate Court for a new trial, the
5 clerk shall file the remanding order and reinstate the
6 case with either its original number or a new number.
7 The Clerk shall not charge any new or additional fee for
8 the reinstatement. Upon reinstatement the Clerk shall
9 advise the parties of the reinstatement. A party shall
10 have the same right to a jury trial on remand and
11 reinstatement as he or she had before the appeal, and no
12 additional or new fee or charge shall be made for a jury
13 trial after remand.

14 (m) Record Search.

15 For each record search, within a division or
16 municipal district, the clerk shall be entitled to a
17 search fee of \$4 for each year searched.

18 (n) Hard Copy.

19 For each page of hard copy print output, when case
20 records are maintained on an automated medium, the clerk
21 shall be entitled to a fee of \$4.

22 (o) Index Inquiry and Other Records.

23 No fee shall be charged for a single
24 plaintiff/defendant index inquiry or single case record
25 inquiry when this request is made in person and the
26 records are maintained in a current automated medium, and
27 when no hard copy print output is requested. The fees to
28 be charged for management records, multiple case records,
29 and multiple journal records may be specified by the
30 Chief Judge pursuant to the guidelines for access and
31 dissemination of information approved by the Supreme
32 Court.

33 (p) Commitment Petitions.

34 For filing commitment petitions under the Mental

1 Health and Developmental Disabilities Code, \$25.

2 (q) Alias Summons.

3 For each alias summons or citation issued by the
4 clerk, \$4.

5 (r) Other Fees.

6 Any fees not covered in this Section shall be set by
7 rule or administrative order of the Circuit Court with
8 the approval of the Administrative Office of the Illinois
9 Courts.

10 The clerk of the circuit court may provide
11 additional services for which there is no fee specified
12 by statute in connection with the operation of the
13 clerk's office as may be requested by the public and
14 agreed to by the clerk and approved by the chief judge of
15 the circuit court. Any charges for additional services
16 shall be as agreed to between the clerk and the party
17 making the request and approved by the chief judge of the
18 circuit court. Nothing in this subsection shall be
19 construed to require any clerk to provide any service not
20 otherwise required by law.

21 (s) Jury Services.

22 The clerk shall be entitled to receive, in addition
23 to other fees allowed by law, the sum of \$192.50, as a
24 fee for the services of a jury in every civil action not
25 quasi-criminal in its nature and not a proceeding for the
26 exercise of the right of eminent domain and in every
27 other action wherein the right of trial by jury is or may
28 be given by law. The jury fee shall be paid by the party
29 demanding a jury at the time of filing the jury demand.
30 If the fee is not paid by either party, no jury shall be
31 called in the action or proceeding, and the same shall be
32 tried by the court without a jury.

33 (t) Voluntary Assignment.

34 For filing each deed of voluntary assignment, \$10;

1 for recording the same, 25¢ for each 100 words.
2 Exceptions filed to claims presented to an assignee of a
3 debtor who has made a voluntary assignment for the
4 benefit of creditors shall be considered and treated, for
5 the purpose of taxing costs therein, as actions in which
6 the party or parties filing the exceptions shall be
7 considered as party or parties plaintiff, and the
8 claimant or claimants as party or parties defendant, and
9 those parties respectively shall pay to the clerk the
10 same fees as provided by this Section to be paid in other
11 actions.

12 (u) Expungement Petition.

13 The clerk shall be entitled to receive a fee of \$30
14 for each expungement petition filed and an additional fee
15 of \$2 for each certified copy of an order to expunge
16 arrest records.

17 (v) Probate.

18 The clerk is entitled to receive the fees specified in
19 this subsection (v), which shall be paid in advance, except
20 that, for good cause shown, the court may suspend, reduce, or
21 release the costs payable under this subsection:

22 (1) For administration of the estate of a decedent
23 (whether testate or intestate) or of a missing person,
24 \$100, plus the fees specified in subsection (v)(3),
25 except:

26 (A) When the value of the real and personal
27 property does not exceed \$15,000, the fee shall be
28 \$25.

29 (B) When (i) proof of heirship alone is made,
30 (ii) a domestic or foreign will is admitted to
31 probate without administration (including proof of
32 heirship), or (iii) letters of office are issued for
33 a particular purpose without administration of the
34 estate, the fee shall be \$25.

1 (2) For administration of the estate of a ward,
2 \$50, plus the fees specified in subsection (v)(3),
3 except:

4 (A) When the value of the real and personal
5 property does not exceed \$15,000, the fee shall be
6 \$25.

7 (B) When (i) letters of office are issued to a
8 guardian of the person or persons, but not of the
9 estate or (ii) letters of office are issued in the
10 estate of a ward without administration of the
11 estate, including filing or joining in the filing of
12 a tax return or releasing a mortgage or consenting
13 to the marriage of the ward, the fee shall be \$10.

14 (3) In addition to the fees payable under
15 subsection (v)(1) or (v)(2) of this Section, the
16 following fees are payable:

17 (A) For each account (other than one final
18 account) filed in the estate of a decedent, or ward,
19 \$15.

20 (B) For filing a claim in an estate when the
21 amount claimed is \$150 or more but less than \$500,
22 \$10; when the amount claimed is \$500 or more but
23 less than \$10,000, \$25; when the amount claimed is
24 \$10,000 or more, \$40; provided that the court in
25 allowing a claim may add to the amount allowed the
26 filing fee paid by the claimant.

27 (C) For filing in an estate a claim, petition,
28 or supplemental proceeding based upon an action
29 seeking equitable relief including the construction
30 or contest of a will, enforcement of a contract to
31 make a will, and proceedings involving testamentary
32 trusts or the appointment of testamentary trustees,
33 \$40.

34 (D) For filing in an estate (i) the appearance

1 of any person for the purpose of consent or (ii) the
2 appearance of an executor, administrator,
3 administrator to collect, guardian, guardian ad
4 litem, or special administrator, no fee.

5 (E) Except as provided in subsection
6 (v)(3)(D), for filing the appearance of any person
7 or persons, \$10.

8 (F) For each jury demand, \$102.50.

9 (G) For disposition of the collection of a
10 judgment or settlement of an action or claim for
11 wrongful death of a decedent or of any cause of
12 action of a ward, when there is no other
13 administration of the estate, \$30, less any amount
14 paid under subsection (v)(1)(B) or (v)(2)(B) except
15 that if the amount involved does not exceed \$5,000,
16 the fee, including any amount paid under subsection
17 (v)(1)(B) or (v)(2)(B), shall be \$10.

18 (H) For each certified copy of letters of
19 office, of court order or other certification, \$1,
20 plus 50¢ per page in excess of 3 pages for the
21 document certified.

22 (I) For each exemplification, \$1, plus the fee
23 for certification.

24 (4) The executor, administrator, guardian,
25 petitioner, or other interested person or his or her
26 attorney shall pay the cost of publication by the clerk
27 directly to the newspaper.

28 (5) The person on whose behalf a charge is incurred
29 for witness, court reporter, appraiser, or other
30 miscellaneous fee shall pay the same directly to the
31 person entitled thereto.

32 (6) The executor, administrator, guardian,
33 petitioner, or other interested person or his attorney
34 shall pay to the clerk all postage charges incurred by

1 the clerk in mailing petitions, orders, notices, or other
2 documents pursuant to the provisions of the Probate Act
3 of 1975.

4 (w) Criminal and Quasi-Criminal Costs and Fees.

5 (1) The clerk shall be entitled to costs in all
6 criminal and quasi-criminal cases from each person
7 convicted or sentenced to supervision therein as follows:

- 8 (A) Felony complaints, \$80.
- 9 (B) Misdemeanor complaints, \$50.
- 10 (C) Business offense complaints, \$50.
- 11 (D) Petty offense complaints, \$50.
- 12 (E) Minor traffic or ordinance violations,
13 \$20.
- 14 (F) When court appearance required, \$30.
- 15 (G) Motions to vacate or amend final orders,
16 \$20.
- 17 (H) Motions to vacate bond forfeiture orders,
18 \$20.
- 19 (I) Motions to vacate ex parte judgments,
20 whenever filed, \$20.
- 21 (J) Motions to vacate judgment on forfeitures,
22 whenever filed, \$20.
- 23 (K) Motions to vacate "failure to appear" or
24 "failure to comply" notices sent to the Secretary of
25 State, \$20.

26 (2) In counties having a population of more than
27 650,000 but fewer than 3,000,000 inhabitants, when the
28 violation complaint is issued by a municipal police
29 department, the clerk shall be entitled to costs from
30 each person convicted therein as follows:

- 31 (A) Minor traffic or ordinance violations,
32 \$10.
- 33 (B) When court appearance required, \$15.
- 34 (3) In ordinance violation cases punishable by fine

1 only, the clerk of the circuit court shall be entitled to
2 receive, unless the fee is excused upon a finding by the
3 court that the defendant is indigent, in addition to
4 other fees or costs allowed or imposed by law, the sum of
5 \$50 as a fee for the services of a jury. The jury fee
6 shall be paid by the defendant at the time of filing his
7 or her jury demand. If the fee is not so paid by the
8 defendant, no jury shall be called, and the case shall be
9 tried by the court without a jury.

10 (x) Transcripts of Judgment.

11 For the filing of a transcript of judgment, the
12 clerk shall be entitled to the same fee as if it were the
13 commencement of new suit.

14 (y) Change of Venue.

15 (1) For the filing of a change of case on a change
16 of venue, the clerk shall be entitled to the same fee as
17 if it were the commencement of a new suit.

18 (2) The fee for the preparation and certification
19 of a record on a change of venue to another jurisdiction,
20 when original documents are forwarded, \$25.

21 (z) Tax objection complaints.

22 For each tax objection complaint containing one or
23 more tax objections, regardless of the number of parcels
24 involved or the number of taxpayers joining in the
25 complaint, \$25.

26 (aa) Tax Deeds.

27 (1) Petition for tax deed, if only one parcel is
28 involved, \$150.

29 (2) For each additional parcel, add a fee of \$50.

30 (bb) Collections.

31 (1) For all collections made of others, except the
32 State and county and except in maintenance or child
33 support cases, a sum equal to 2.5% of the amount
34 collected and turned over.

1 (2) Interest earned on any funds held by the clerk
2 shall be turned over to the county general fund as an
3 earning of the office.

4 (3) For any check, draft, or other bank instrument
5 returned to the clerk for non-sufficient funds, account
6 closed, or payment stopped, \$25.

7 (4) In child support and maintenance cases, the
8 clerk, if authorized by an ordinance of the county board,
9 may collect an annual fee of up to \$36 from the person
10 making payment for maintaining child support records and
11 the processing of support orders to the State of Illinois
12 KIDS system and the recording of payments issued by the
13 State Disbursement Unit for the official record of the
14 Court. This fee shall be in addition to and separate from
15 amounts ordered to be paid as maintenance or child
16 support and shall be deposited into a Separate
17 Maintenance and Child Support Collection Fund, of which
18 the clerk shall be the custodian, ex-officio, to be used
19 by the clerk to maintain child support orders and record
20 all payments issued by the State Disbursement Unit for
21 the official record of the Court. The clerk may recover
22 from the person making the maintenance or child support
23 payment any additional cost incurred in the collection of
24 this annual fee.

25 The clerk shall also be entitled to a fee of \$5 for
26 certifications made to the Secretary of State as provided
27 in Section 7-703 of the Family Financial Responsibility
28 Law and these fees shall also be deposited into the
29 Separate Maintenance and Child Support Collection Fund.

30 (cc) Corrections of Numbers.

31 For correction of the case number, case title, or
32 attorney computer identification number, if required by
33 rule of court, on any document filed in the clerk's
34 office, to be charged against the party that filed the

1 document, \$15.

2 (dd) Exceptions.

3 The fee requirements of this Section shall not apply
 4 to police departments or other law enforcement agencies.
 5 In this Section, "law enforcement agency" means an agency
 6 of the State or a unit of local government which is
 7 vested by law or ordinance with the duty to maintain
 8 public order and to enforce criminal laws or ordinances.
 9 "Law enforcement agency" also means the Attorney General
 10 or any state's attorney. The fee requirements of this
 11 Section shall not apply to any action instituted under
 12 subsection (b) of Section 11-31-1 of the Illinois
 13 Municipal Code by a private owner or tenant of real
 14 property within 1200 feet of a dangerous or unsafe
 15 building seeking an order compelling the owner or owners
 16 of the building to take any of the actions authorized
 17 under that subsection.

18 (ee) Adoptions.

19 (1) For an adoption.....\$65

20 (2) Upon good cause shown, the court may waive the
 21 adoption filing fee in a special needs adoption. The
 22 term "special needs adoption" shall have the meaning
 23 ascribed to it by the Illinois Department of Children and
 24 Family Services.

25 (ff) Adoption exemptions.

26 No fee other than that set forth in subsection (ee)
 27 shall be charged to any person in connection with an
 28 adoption proceeding.

29 (Source: P.A. 90-466, eff. 8-17-97; 90-796, eff. 12-15-98;
 30 91-321, eff. 1-1-00; 91-612, eff. 10-1-99; revised 10-15-99.)

31 Section 87. The Juvenile Court Act of 1987 is amended by
 32 changing Sections 5-130 and 5-615 and by setting forth and
 33 renumbering multiple versions of Section 5-160 as follows:

1 (705 ILCS 405/5-130)

2 Sec. 5-130. Excluded jurisdiction.

3 (1) (a) The definition of delinquent minor under Section
4 5-120 of this Article shall not apply to any minor who at the
5 time of an offense was at least 15 years of age and who is
6 charged with first degree murder, aggravated criminal sexual
7 assault, aggravated battery with a firearm committed in a
8 school, on the real property comprising a school, within
9 1,000 feet of the real property comprising a school, at a
10 school related activity, or on, boarding, or departing from
11 any conveyance owned, leased, or contracted by a school or
12 school district to transport students to or from school or a
13 school related activity regardless of the time of day or time
14 of year that the offense was committed, armed robbery when
15 the armed robbery was committed with a firearm, or aggravated
16 vehicular hijacking when the hijacking was committed with a
17 firearm.

18 These charges and all other charges arising out of the
19 same incident shall be prosecuted under the criminal laws of
20 this State.

21 For purposes of this paragraph (a) of subsection (1):

22 "School" means a public or private elementary or
23 secondary school, community college, college, or university.

24 "School related activity" means any sporting, social,
25 academic or other activity for which students' attendance or
26 participation is sponsored, organized, or funded in whole or
27 in part by a school or school district.

28 (b) (i) If before trial or plea an information or
29 indictment is filed that does not charge an offense specified
30 in paragraph (a) of this subsection (1) the State's Attorney
31 may proceed on any lesser charge or charges, but only in
32 Juvenile Court under the provisions of this Article. The
33 State's Attorney may proceed under the Criminal Code of 1961
34 on a lesser charge if before trial the minor defendant

1 knowingly and with advice of counsel waives, in writing, his
2 or her right to have the matter proceed in Juvenile Court.

3 (ii) If before trial or plea an information or
4 indictment is filed that includes one or more charges
5 specified in paragraph (a) of this subsection (1) and
6 additional charges that are not specified in that paragraph,
7 all of the charges arising out of the same incident shall be
8 prosecuted under the Criminal Code of 1961.

9 (c) (i) If after trial or plea the minor is convicted of
10 any offense covered by paragraph (a) of this subsection (1),
11 then, in sentencing the minor, the court shall have available
12 any or all dispositions prescribed for that offense under
13 Chapter V of the Unified Code of Corrections.

14 (ii) If after trial or plea the court finds that the
15 minor committed an offense not covered by paragraph (a) of
16 this subsection (1), that finding shall not invalidate the
17 verdict or the prosecution of the minor under the criminal
18 laws of the State; however, unless the State requests a
19 hearing for the purpose of sentencing the minor under Chapter
20 V of the Unified Code of Corrections, the Court must proceed
21 under Sections 5-705 and 5-710 of this Article. To request a
22 hearing, the State must file a written motion within 10 days
23 following the entry of a finding or the return of a verdict.
24 Reasonable notice of the motion shall be given to the minor
25 or his or her counsel. If the motion is made by the State,
26 the court shall conduct a hearing to determine if the minor
27 should be sentenced under Chapter V of the Unified Code of
28 Corrections. In making its determination, the court shall
29 consider among other matters: (a) whether there is evidence
30 that the offense was committed in an aggressive and
31 premeditated manner; (b) the age of the minor; (c) the
32 previous history of the minor; (d) whether there are
33 facilities particularly available to the Juvenile Court or
34 the Department of Corrections, Juvenile Division, for the

1 treatment and rehabilitation of the minor; (e) whether the
2 security of the public requires sentencing under Chapter V of
3 the Unified Code of Corrections; and (f) whether the minor
4 possessed a deadly weapon when committing the offense. The
5 rules of evidence shall be the same as if at trial. If after
6 the hearing the court finds that the minor should be
7 sentenced under Chapter V of the Unified Code of Corrections,
8 then the court shall sentence the minor accordingly having
9 available to it any or all dispositions so prescribed.

10 (2) (a) The definition of a delinquent minor under
11 Section 5-120 of this Article shall not apply to any minor
12 who at the time of the offense was at least 15 years of age
13 and who is charged with an offense under Section 401 of the
14 Illinois Controlled Substances Act, while in a school,
15 regardless of the time of day or the time of year, or any
16 conveyance owned, leased or contracted by a school to
17 transport students to or from school or a school related
18 activity, or residential property owned, operated or managed
19 by a public housing agency or leased by a public housing
20 agency as part of a scattered site or mixed-income
21 development, on the real property comprising any school,
22 regardless of the time of day or the time of year, or
23 residential property owned, operated or managed by a public
24 housing agency or leased by a public housing agency as part
25 of a scattered site or mixed-income development, or on a
26 public way within 1,000 feet of the real property comprising
27 any school, regardless of the time of day or the time of
28 year, or residential property owned, operated or managed by a
29 public housing agency or leased by a public housing agency as
30 part of a scattered site or mixed-income development. School
31 is defined, for the purposes of this Section, as any public
32 or private elementary or secondary school, community college,
33 college, or university. These charges and all other charges
34 arising out of the same incident shall be prosecuted under

1 the criminal laws of this State.

2 (b) (i) If before trial or plea an information or
3 indictment is filed that does not charge an offense specified
4 in paragraph (a) of this subsection (2) the State's Attorney
5 may proceed on any lesser charge or charges, but only in
6 Juvenile Court under the provisions of this Article. The
7 State's Attorney may proceed under the criminal laws of this
8 State on a lesser charge if before trial the minor defendant
9 knowingly and with advice of counsel waives, in writing, his
10 or her right to have the matter proceed in Juvenile Court.

11 (ii) If before trial or plea an information or
12 indictment is filed that includes one or more charges
13 specified in paragraph (a) of this subsection (2) and
14 additional charges that are not specified in that paragraph,
15 all of the charges arising out of the same incident shall be
16 prosecuted under the criminal laws of this State.

17 (c) (i) If after trial or plea the minor is convicted of
18 any offense covered by paragraph (a) of this subsection (2),
19 then, in sentencing the minor, the court shall have available
20 any or all dispositions prescribed for that offense under
21 Chapter V of the Unified Code of Corrections.

22 (ii) If after trial or plea the court finds that the
23 minor committed an offense not covered by paragraph (a) of
24 this subsection (2), that finding shall not invalidate the
25 verdict or the prosecution of the minor under the criminal
26 laws of the State; however, unless the State requests a
27 hearing for the purpose of sentencing the minor under Chapter
28 V of the Unified Code of Corrections, the Court must proceed
29 under Sections 5-705 and 5-710 of this Article. To request a
30 hearing, the State must file a written motion within 10 days
31 following the entry of a finding or the return of a verdict.
32 Reasonable notice of the motion shall be given to the minor
33 or his or her counsel. If the motion is made by the State,
34 the court shall conduct a hearing to determine if the minor

1 should be sentenced under Chapter V of the Unified Code of
2 Corrections. In making its determination, the court shall
3 consider among other matters: (a) whether there is evidence
4 that the offense was committed in an aggressive and
5 premeditated manner; (b) the age of the minor; (c) the
6 previous history of the minor; (d) whether there are
7 facilities particularly available to the Juvenile Court or
8 the Department of Corrections, Juvenile Division, for the
9 treatment and rehabilitation of the minor; (e) whether the
10 security of the public requires sentencing under Chapter V of
11 the Unified Code of Corrections; and (f) whether the minor
12 possessed a deadly weapon when committing the offense. The
13 rules of evidence shall be the same as if at trial. If after
14 the hearing the court finds that the minor should be
15 sentenced under Chapter V of the Unified Code of Corrections,
16 then the court shall sentence the minor accordingly having
17 available to it any or all dispositions so prescribed.

18 (3) (a) The definition of delinquent minor under Section
19 5-120 of this Article shall not apply to any minor who at the
20 time of the offense was at least 15 years of age and who is
21 charged with a violation of the provisions of paragraph (1),
22 (3), (4), or (10) of subsection (a) of Section 24-1 of the
23 Criminal Code of 1961 while in school, regardless of the time
24 of day or the time of year, or on the real property
25 comprising any school, regardless of the time of day or the
26 time of year. School is defined, for purposes of this
27 Section as any public or private elementary or secondary
28 school, community college, college, or university. These
29 charges and all other charges arising out of the same
30 incident shall be prosecuted under the criminal laws of this
31 State.

32 (b) (i) If before trial or plea an information or
33 indictment is filed that does not charge an offense specified
34 in paragraph (a) of this subsection (3) the State's Attorney

1 may proceed on any lesser charge or charges, but only in
2 Juvenile Court under the provisions of this Article. The
3 State's Attorney may proceed under the criminal laws of this
4 State on a lesser charge if before trial the minor defendant
5 knowingly and with advice of counsel waives, in writing, his
6 or her right to have the matter proceed in Juvenile Court.

7 (ii) If before trial or plea an information or
8 indictment is filed that includes one or more charges
9 specified in paragraph (a) of this subsection (3) and
10 additional charges that are not specified in that paragraph,
11 all of the charges arising out of the same incident shall be
12 prosecuted under the criminal laws of this State.

13 (c) (i) If after trial or plea the minor is convicted of
14 any offense covered by paragraph (a) of this subsection (3),
15 then, in sentencing the minor, the court shall have available
16 any or all dispositions prescribed for that offense under
17 Chapter V of the Unified Code of Corrections.

18 (ii) If after trial or plea the court finds that the
19 minor committed an offense not covered by paragraph (a) of
20 this subsection (3), that finding shall not invalidate the
21 verdict or the prosecution of the minor under the criminal
22 laws of the State; however, unless the State requests a
23 hearing for the purpose of sentencing the minor under Chapter
24 V of the Unified Code of Corrections, the Court must proceed
25 under Sections 5-705 and 5-710 of this Article. To request a
26 hearing, the State must file a written motion within 10 days
27 following the entry of a finding or the return of a verdict.
28 Reasonable notice of the motion shall be given to the minor
29 or his or her counsel. If the motion is made by the State,
30 the court shall conduct a hearing to determine if the minor
31 should be sentenced under Chapter V of the Unified Code of
32 Corrections. In making its determination, the court shall
33 consider among other matters: (a) whether there is evidence
34 that the offense was committed in an aggressive and

1 premeditated manner; (b) the age of the minor; (c) the
2 previous history of the minor; (d) whether there are
3 facilities particularly available to the Juvenile Court or
4 the Department of Corrections, Juvenile Division, for the
5 treatment and rehabilitation of the minor; (e) whether the
6 security of the public requires sentencing under Chapter V of
7 the Unified Code of Corrections; and (f) whether the minor
8 possessed a deadly weapon when committing the offense. The
9 rules of evidence shall be the same as if at trial. If after
10 the hearing the court finds that the minor should be
11 sentenced under Chapter V of the Unified Code of Corrections,
12 then the court shall sentence the minor accordingly having
13 available to it any or all dispositions so prescribed.

14 (4) (a) The definition of delinquent minor under Section
15 5-120 of this Article shall not apply to any minor who at the
16 time of an offense was at least 13 years of age and who is
17 charged with first degree murder committed during the course
18 of either aggravated criminal sexual assault, criminal sexual
19 assault, or aggravated kidnaping. However, this subsection
20 (4) does not include a minor charged with first degree murder
21 based exclusively upon the accountability provisions of the
22 Criminal Code of 1961.

23 (b) (i) If before trial or plea an information or
24 indictment is filed that does not charge first degree murder
25 committed during the course of aggravated criminal sexual
26 assault, criminal sexual assault, or aggravated kidnaping,
27 the State's Attorney may proceed on any lesser charge or
28 charges, but only in Juvenile Court under the provisions of
29 this Article. The State's Attorney may proceed under the
30 criminal laws of this State on a lesser charge if before
31 trial the minor defendant knowingly and with advice of
32 counsel waives, in writing, his or her right to have the
33 matter proceed in Juvenile Court.

34 (ii) If before trial or plea an information or

1 indictment is filed that includes first degree murder
2 committed during the course of aggravated criminal sexual
3 assault, criminal sexual assault, or aggravated kidnaping,
4 and additional charges that are not specified in paragraph
5 (a) of this subsection, all of the charges arising out of the
6 same incident shall be prosecuted under the criminal laws of
7 this State.

8 (c) (i) If after trial or plea the minor is convicted of
9 first degree murder committed during the course of aggravated
10 criminal sexual assault, criminal sexual assault, or
11 aggravated kidnaping, in sentencing the minor, the court
12 shall have available any or all dispositions prescribed for
13 that offense under Chapter V of the Unified Code of
14 Corrections.

15 (ii) If the minor was not yet 15 years of age at the
16 time of the offense, and if after trial or plea the court
17 finds that the minor committed an offense other than first
18 degree murder committed during the course of either
19 aggravated criminal sexual assault, criminal sexual assault,
20 or aggravated kidnaping, the finding shall not invalidate
21 the verdict or the prosecution of the minor under the
22 criminal laws of the State; however, unless the State
23 requests a hearing for the purpose of sentencing the minor
24 under Chapter V of the Unified Code of Corrections, the Court
25 must proceed under Sections 5-705 and 5-710 of this Article.
26 To request a hearing, the State must file a written motion
27 within 10 days following the entry of a finding or the return
28 of a verdict. Reasonable notice of the motion shall be given
29 to the minor or his or her counsel. If the motion is made by
30 the State, the court shall conduct a hearing to determine
31 whether the minor should be sentenced under Chapter V of the
32 Unified Code of Corrections. In making its determination,
33 the court shall consider among other matters: (a) whether
34 there is evidence that the offense was committed in an

1 aggressive and premeditated manner; (b) the age of the
2 minor; (c) the previous delinquent history of the minor;
3 (d) whether there are facilities particularly available to
4 the Juvenile Court or the Department of Corrections, Juvenile
5 Division, for the treatment and rehabilitation of the minor;
6 (e) whether the best interest of the minor and the security
7 of the public require sentencing under Chapter V of the
8 Unified Code of Corrections; and (f) whether the minor
9 possessed a deadly weapon when committing the offense. The
10 rules of evidence shall be the same as if at trial. If after
11 the hearing the court finds that the minor should be
12 sentenced under Chapter V of the Unified Code of Corrections,
13 then the court shall sentence the minor accordingly having
14 available to it any or all dispositions so prescribed.

15 (5) (a) The definition of delinquent minor under Section
16 5-120 of this Article shall not apply to any minor who is
17 charged with a violation of subsection (a) of Section 31-6 or
18 Section 32-10 of the Criminal Code of 1961 when the minor is
19 subject to prosecution under the criminal laws of this State
20 as a result of the application of the provisions of Section
21 5-125, or subsection (1) or (2) of this Section. These
22 charges and all other charges arising out of the same
23 incident shall be prosecuted under the criminal laws of this
24 State.

25 (b) (i) If before trial or plea an information or
26 indictment is filed that does not charge an offense specified
27 in paragraph (a) of this subsection (5), the State's Attorney
28 may proceed on any lesser charge or charges, but only in
29 Juvenile Court under the provisions of this Article. The
30 State's Attorney may proceed under the criminal laws of this
31 State on a lesser charge if before trial the minor defendant
32 knowingly and with advice of counsel waives, in writing, his
33 or her right to have the matter proceed in Juvenile Court.

34 (ii) If before trial or plea an information or

1 indictment is filed that includes one or more charges
2 specified in paragraph (a) of this subsection (5) and
3 additional charges that are not specified in that paragraph,
4 all of the charges arising out of the same incident shall be
5 prosecuted under the criminal laws of this State.

6 (c) (i) If after trial or plea the minor is convicted of
7 any offense covered by paragraph (a) of this subsection (5),
8 then, in sentencing the minor, the court shall have available
9 any or all dispositions prescribed for that offense under
10 Chapter V of the Unified Code of Corrections.

11 (ii) If after trial or plea the court finds that the
12 minor committed an offense not covered by paragraph (a) of
13 this subsection (5), the conviction shall not invalidate the
14 verdict or the prosecution of the minor under the criminal
15 laws of this State; however, unless the State requests a
16 hearing for the purpose of sentencing the minor under Chapter
17 V of the Unified Code of Corrections, the Court must proceed
18 under Sections 5-705 and 5-710 of this Article. To request a
19 hearing, the State must file a written motion within 10 days
20 following the entry of a finding or the return of a verdict.
21 Reasonable notice of the motion shall be given to the minor
22 or his or her counsel. If the motion is made by the State,
23 the court shall conduct a hearing to determine if whether the
24 minor should be sentenced under Chapter V of the Unified Code
25 of Corrections. In making its determination, the court shall
26 consider among other matters: (a) whether there is evidence
27 that the offense was committed in an aggressive and
28 premeditated manner; (b) the age of the minor; (c) the
29 previous delinquent history of the minor; (d) whether there
30 are facilities particularly available to the Juvenile Court
31 or the Department of Corrections, Juvenile Division, for the
32 treatment and rehabilitation of the minor; (e) whether the
33 security of the public requires sentencing under Chapter V of
34 the Unified Code of Corrections; and (f) whether the minor

1 possessed a deadly weapon when committing the offense. The
2 rules of evidence shall be the same as if at trial. If after
3 the hearing the court finds that the minor should be
4 sentenced under Chapter V of the Unified Code of Corrections,
5 then the court shall sentence the minor accordingly having
6 available to it any or all dispositions so prescribed.

7 (6) The definition of delinquent minor under Section
8 5-120 of this Article shall not apply to any minor who,
9 pursuant to subsection (1), (2), or (3) or Section 5-805, or
10 5-810, has previously been placed under the jurisdiction of
11 the criminal court and has been convicted of a crime under an
12 adult criminal or penal statute. Such a minor shall be
13 subject to prosecution under the criminal laws of this State.

14 (7) The procedures set out in this Article for the
15 investigation, arrest and prosecution of juvenile offenders
16 shall not apply to minors who are excluded from jurisdiction
17 of the Juvenile Court, except that minors under 17 years of
18 age shall be kept separate from confined adults.

19 (8) Nothing in this Act prohibits or limits the
20 prosecution of any minor for an offense committed on or after
21 his or her 17th birthday even though he or she is at the time
22 of the offense a ward of the court.

23 (9) If an original petition for adjudication of wardship
24 alleges the commission by a minor 13 years of age or over of
25 an act that constitutes a crime under the laws of this State,
26 the minor, with the consent of his or her counsel, may, at
27 any time before commencement of the adjudicatory hearing,
28 file with the court a motion that criminal prosecution be
29 ordered and that the petition be dismissed insofar as the act
30 or acts involved in the criminal proceedings are concerned.
31 If such a motion is filed as herein provided, the court shall
32 enter its order accordingly.

33 (Source: P.A. 90-590, eff. 1-1-99; 91-15, eff. 1-1-00;
34 91-673, eff. 12-22-99; revised 1-7-00.)

1 (705 ILCS 405/5-160)

2 Sec. 5-160. Liability for injury, loss, or tortious
3 acts. Neither the State or any unit of local government,
4 probation department, or public or community service program
5 or site, nor any official, volunteer, or employee of the
6 State or a unit of local government, probation department,
7 public or community service program or site acting in the
8 course of his or her official duties shall be liable for any
9 injury or loss a person might receive while performing public
10 or community service as ordered either (1) by the court or
11 (2) by any duly authorized station adjustment or probation
12 adjustment, teen court, community mediation, or other
13 administrative diversion program authorized by this Act for a
14 violation of a penal statute of this State or a local
15 government ordinance (whether penal, civil, or
16 quasi-criminal) or for a traffic offense, nor shall they be
17 liable for any tortious acts of any person performing public
18 or community service, except for wilful, wanton misconduct or
19 gross negligence on the part of the governmental unit,
20 probation department, or public or community service program
21 or site or on the part of the official, volunteer, or
22 employee.

23 (Source: P.A. 91-820, eff. 6-13-00.)

24 (705 ILCS 405/5-170)

25 Sec. 5-170. ~~5-160~~. Representation by counsel. In a
26 proceeding under this Article, a minor who was under 13 years
27 of age at the time of the commission of an act that if
28 committed by an adult would be a violation of Section 9-1,
29 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 12-13, 12-14, 12-14.1,
30 12-15, or 12-16 of the Criminal Code of 1961 must be
31 represented by counsel during the entire custodial
32 interrogation of the minor.

33 (Source: P.A. 91-915, eff. 1-1-01; revised 9-5-00.)

1 (705 ILCS 405/5-615)

2 Sec. 5-615. Continuance under supervision.

3 (1) The court may enter an order of continuance under
4 supervision for an offense other than first degree murder, a
5 Class X felony or a forcible felony (a) upon an admission or
6 stipulation by the appropriate respondent or minor respondent
7 of the facts supporting the petition and before proceeding to
8 adjudication, or after hearing the evidence at the trial, and
9 (b) in the absence of objection made in open court by the
10 minor, his or her parent, guardian, or legal custodian, the
11 minor's attorney or the State's Attorney.

12 (2) If the minor, his or her parent, guardian, or legal
13 custodian, the minor's attorney or State's Attorney objects
14 in open court to any continuance and insists upon proceeding
15 to findings and adjudication, the court shall so proceed.

16 (3) Nothing in this Section limits the power of the
17 court to order a continuance of the hearing for the
18 production of additional evidence or for any other proper
19 reason.

20 (4) When a hearing where a minor is alleged to be a
21 delinquent is continued pursuant to this Section, the period
22 of continuance under supervision may not exceed 24 months.
23 The court may terminate a continuance under supervision at
24 any time if warranted by the conduct of the minor and the
25 ends of justice.

26 (5) When a hearing where a minor is alleged to be
27 delinquent is continued pursuant to this Section, the court
28 may, as conditions of the continuance under supervision,
29 require the minor to do any of the following:

30 (a) not violate any criminal statute of any
31 jurisdiction;

32 (b) make a report to and appear in person before
33 any person or agency as directed by the court;

34 (c) work or pursue a course of study or vocational

1 training;

2 (d) undergo medical or psychotherapeutic treatment
3 rendered by a therapist licensed under the provisions of
4 the Medical Practice Act of 1987, the Clinical
5 Psychologist Licensing Act, or the Clinical Social Work
6 and Social Work Practice Act, or an entity licensed by
7 the Department of Human Services as a successor to the
8 Department of Alcoholism and Substance Abuse, for the
9 provision of drug addiction and alcoholism treatment;

10 (e) attend or reside in a facility established for
11 the instruction or residence of persons on probation;

12 (f) support his or her dependents, if any;

13 (g) pay costs;

14 (h) refrain from possessing a firearm or other
15 dangerous weapon, or an automobile;

16 (i) permit the probation officer to visit him or
17 her at his or her home or elsewhere;

18 (j) reside with his or her parents or in a foster
19 home;

20 (k) attend school;

21 (l) attend a non-residential program for youth;

22 (m) contribute to his or her own support at home or
23 in a foster home;

24 (n) perform some reasonable public or community
25 service;

26 (o) make restitution to the victim, in the same
27 manner and under the same conditions as provided in
28 subsection (4) of Section 5-710, except that the
29 "sentencing hearing" referred to in that Section shall be
30 the adjudicatory hearing for purposes of this Section;

31 (p) comply with curfew requirements as designated
32 by the court;

33 (q) refrain from entering into a designated
34 geographic area except upon terms as the court finds

1 appropriate. The terms may include consideration of the
2 purpose of the entry, the time of day, other persons
3 accompanying the minor, and advance approval by a
4 probation officer;

5 (r) refrain from having any contact, directly or
6 indirectly, with certain specified persons or particular
7 types of persons, including but not limited to members of
8 street gangs and drug users or dealers;

9 (r-5) undergo a medical or other procedure to have
10 a tattoo symbolizing allegiance to a street gang removed
11 from his or her body;

12 (s) refrain from having in his or her body the
13 presence of any illicit drug prohibited by the Cannabis
14 Control Act or the Illinois Controlled Substances Act,
15 unless prescribed by a physician, and submit samples of
16 his or her blood or urine or both for tests to determine
17 the presence of any illicit drug; or

18 (t) comply with any other conditions as may be
19 ordered by the court.

20 (6) A minor whose case is continued under supervision
21 under subsection (5) shall be given a certificate setting
22 forth the conditions imposed by the court. Those conditions
23 may be reduced, enlarged, or modified by the court on motion
24 of the probation officer or on its own motion, or that of the
25 State's Attorney, or, at the request of the minor after
26 notice and hearing.

27 (7) If a petition is filed charging a violation of a
28 condition of the continuance under supervision, the court
29 shall conduct a hearing. If the court finds that a condition
30 of supervision has not been fulfilled, the court may proceed
31 to findings and adjudication and disposition. The filing of
32 a petition for violation of a condition of the continuance
33 under supervision shall toll the period of continuance under
34 supervision until the final determination of the charge, and

1 the term of the continuance under supervision shall not run
2 until the hearing and disposition of the petition for
3 violation; provided where the petition alleges conduct that
4 does not constitute a criminal offense, the hearing must be
5 held within 30 days of the filing of the petition unless a
6 delay shall continue the tolling of the period of continuance
7 under supervision for the period of the delay.

8 (8) When a hearing in which a minor is alleged to be a
9 delinquent for reasons that include a violation of Section
10 21-1.3 of the Criminal Code of 1961 is continued under this
11 Section, the court shall, as a condition of the continuance
12 under supervision, require the minor to perform community
13 service for not less than 30 and not more than 120 hours, if
14 community service is available in the jurisdiction. The
15 community service shall include, but need not be limited to,
16 the cleanup and repair of the damage that was caused by the
17 alleged violation or similar damage to property located in
18 the municipality or county in which the alleged violation
19 occurred. The condition may be in addition to any other
20 condition.

21 (9) When a hearing in which a minor is alleged to be a
22 delinquent is continued under this Section, the court, before
23 continuing the case, shall make a finding whether the offense
24 alleged to have been committed either: (i) was related to or
25 in furtherance of the activities of an organized gang or was
26 motivated by the minor's membership in or allegiance to an
27 organized gang, or (ii) is a violation of paragraph (13) of
28 subsection (a) of Section 12-2 of the Criminal Code of 1961,
29 a violation of any Section of Article 24 of the Criminal Code
30 of 1961, or a violation of any statute that involved the
31 unlawful use of a firearm. If the court determines the
32 question in the affirmative the court shall, as a condition
33 of the continuance under supervision and as part of or in
34 addition to any other condition of the supervision, require

1 the minor to perform community service for not less than 30
2 hours, provided that community service is available in the
3 jurisdiction and is funded and approved by the county board
4 of the county where the offense was committed. The community
5 service shall include, but need not be limited to, the
6 cleanup and repair of any damage caused by an alleged
7 violation of Section 21-1.3 of the Criminal Code of 1961 and
8 similar damage to property located in the municipality or
9 county in which the alleged violation occurred. When
10 possible and reasonable, the community service shall be
11 performed in the minor's neighborhood. For the purposes of
12 this Section, "organized gang" has the meaning ascribed to it
13 in Section 10 of the Illinois Streetgang Terrorism Omnibus
14 Prevention Act.

15 (10) The court shall impose upon a minor placed on
16 supervision, as a condition of the supervision, a fee of \$25
17 for each month of supervision ordered by the court, unless
18 after determining the inability of the minor placed on
19 supervision to pay the fee, the court assesses a lesser
20 amount. The court may not impose the fee on a minor who is
21 made a ward of the State under this Act while the minor is in
22 placement. The fee shall be imposed only upon a minor who is
23 actively supervised by the probation and court services
24 department. A court may order the parent, guardian, or legal
25 custodian of the minor to pay some or all of the fee on the
26 minor's behalf.

27 (Source: P.A. 90-590, eff. 1-1-99; 91-98; eff. 1-1-00;
28 91-332, eff. 7-29-99; revised 10-7-99.)

29 Section 88. The Criminal Code of 1961 is amended by
30 changing Sections 9-3, 11-15, 11-18, 11-20.1, 12-3.2, 12-4,
31 12-9, 12-14.1, 16-1, 17-2, 21-1.5, 26-1, 33C-5, and 33E-2 and
32 the heading to Article 20.5 and by changing and renumbering
33 multiple versions of Section 17-23 as follows:

1 (720 ILCS 5/9-3) (from Ch. 38, par. 9-3)
 2 Sec. 9-3. Involuntary Manslaughter and Reckless
 3 Homicide.

4 (a) A person who unintentionally kills an individual
 5 without lawful justification commits involuntary manslaughter
 6 if his acts whether lawful or unlawful which cause the death
 7 are such as are likely to cause death or great bodily harm to
 8 some individual, and he performs them recklessly, except in
 9 cases in which the cause of the death consists of the driving
 10 of a motor vehicle or operating a snowmobile, all-terrain
 11 vehicle, or watercraft, in which case the person commits
 12 reckless homicide.

13 (b) In cases involving reckless homicide, being under
 14 the influence of alcohol or any other drug or drugs at the
 15 time of the alleged violation shall be presumed to be
 16 evidence of a reckless act unless disproved by evidence to
 17 the contrary.

18 (c) For the purposes of this Section, a person shall be
 19 considered to be under the influence of alcohol or other
 20 drugs while:

21 1. The alcohol concentration in the person's blood
 22 or breath is 0.08 or more based on the definition of
 23 blood and breath units in Section 11-501.2 of the
 24 Illinois Vehicle Code;

25 2. Under the influence of alcohol to a degree that
 26 renders the person incapable of safely driving a motor
 27 vehicle or operating a snowmobile, all-terrain vehicle,
 28 or watercraft;

29 3. Under the influence of any other drug or
 30 combination of drugs to a degree that renders the person
 31 incapable of safely driving a motor vehicle or operating
 32 a snowmobile, all-terrain vehicle, or watercraft; or

33 4. Under the combined influence of alcohol and any
 34 other drug or drugs to a degree which renders the person

1 incapable of safely driving a motor vehicle or operating
2 a snowmobile, all-terrain vehicle, or watercraft.

3 (d) Sentence.

4 (1) Involuntary manslaughter is a Class 3 felony.

5 (2) Reckless homicide is a Class 3 felony.

6 (e) Except as otherwise provided in subsection (e-5), in
7 cases involving reckless homicide in which the defendant was
8 determined to have been under the influence of alcohol or any
9 other drug or drugs as an element of the offense, or in cases
10 in which the defendant is proven beyond a reasonable doubt to
11 have been under the influence of alcohol or any other drug or
12 drugs, the penalty shall be a Class 2 felony, for which a
13 person, if sentenced to a term of imprisonment, shall be
14 sentenced to a term of not less than 3 years and not more
15 than 14 years.

16 (e-5) In cases involving reckless homicide in which the
17 defendant was determined to have been under the influence of
18 alcohol or any other drug or drugs as an element of the
19 offense, or in cases in which the defendant is proven beyond
20 a reasonable doubt to have been under the influence of
21 alcohol or any other drug or drugs, if the defendant kills 2
22 or more individuals as part of a single course of conduct,
23 the penalty is a Class 2 felony, for which a person, if
24 sentenced to a term of imprisonment, shall be sentenced to a
25 term of not less than 6 years and not more than 28 years.

26 (f) In cases involving involuntary manslaughter in which
27 the victim was a family or household member as defined in
28 paragraph (3) of Section 112A-3 of the Code of Criminal
29 Procedure of 1963, the penalty shall be a Class 2 felony, for
30 which a person if sentenced to a term of imprisonment, shall
31 be sentenced to a term of not less than 3 years and not more
32 than 14 years.

33 (Source: P.A. 90-43, eff. 7-2-97; 90-119, eff. 1-1-98;
34 90-655, eff. 7-30-98; 91-6, eff. 1-1-00; 91-122, eff. 1-1-00;

1 revised 10-8-99.)

2 (720 ILCS 5/11-15) (from Ch. 38, par. 11-15)

3 Sec. 11-15. Soliciting for a prostitute.

4 (a) Any person who performs any of the following acts
5 commits soliciting for a prostitute:

6 (1) Solicits another for the purpose of
7 prostitution; or

8 (2) Arranges or offers to arrange a meeting of
9 persons for the purpose of prostitution; or

10 (3) Directs another to a place knowing such
11 direction is for the purpose of prostitution.

12 (b) Sentence. Soliciting for a prostitute is a Class A
13 misdemeanor. A person convicted of a second or subsequent
14 violation of this Section, or of any combination of such
15 number of convictions under this Section and Sections 11-14,
16 11-17, 11-18, 11-18.1 and 11-19 of this Code is guilty of a
17 Class 4 felony. When a person has one or more prior
18 convictions, the information or indictment charging that
19 person shall state such prior conviction so as to give notice
20 of the State's intention to treat the charge as a felony.
21 The fact of such prior conviction is not an element of the
22 offense and may not be disclosed to the jury during trial
23 unless otherwise permitted by issues properly raised during
24 such trial.

25 (b-5) (e) A person who violates this Section within
26 1,000 feet of real property comprising a school commits a
27 Class 4 felony.

28 (c) A peace officer who arrests a person for a violation
29 of this Section may impound any vehicle used by the person in
30 the commission of the offense. The person may recover the
31 vehicle from the impound after a minimum of 2 hours after
32 arrest upon payment of a fee of \$200. The fee shall be
33 distributed to the unit of government whose peace officers

1 made the arrest for a violation of this Section. This \$200
2 fee includes the costs incurred by the unit of government to
3 tow the vehicle to the impound. Upon the presentation of a
4 signed court order by the defendant whose vehicle was
5 impounded showing that the defendant has been acquitted of
6 the offense of soliciting for a prostitute or that the
7 charges have been dismissed against the defendant for that
8 offense, the municipality shall refund the \$200 fee to the
9 defendant.

10 (Source: P.A. 91-274, eff. 1-1-00; 91-498, eff. 1-1-00;
11 revised 10-20-99.)

12 (720 ILCS 5/11-18) (from Ch. 38, par. 11-18)

13 Sec. 11-18. Patronizing a prostitute.

14 (a) Any person who performs any of the following acts
15 with a person not his or her spouse commits the offense of
16 patronizing a prostitute:

17 (1) Engages in an act of sexual penetration as
18 defined in Section 12-12 of this Code with a prostitute;
19 or

20 (2) Enters or remains in a place of prostitution
21 with intent to engage in an act of sexual penetration as
22 defined in Section 12-12 of this Code.

23 (b) Sentence.

24 Patronizing a prostitute is a Class A misdemeanor. A
25 person convicted of a second or subsequent violation of this
26 Section, or of any combination of such number of convictions
27 under this Section and Sections 11-14, 11-15, 11-17, 11-18.1
28 and 11-19 of this Code, is guilty of a Class 4 felony. When
29 a person has one or more prior convictions, the information
30 or indictment charging that person shall state such prior
31 convictions so as to give notice of the State's intention to
32 treat the charge as a felony. The fact of such conviction is
33 not an element of the offense and may not be disclosed to the

1 jury during trial unless otherwise permitted by issues
2 properly raised during such trial.

3 (c) A person who violates this Section within 1,000 feet
4 of real property comprising a school commits a Class 4
5 felony.

6 (Source: P.A. 91-274, eff. 1-1-00; 91-498, eff. 1-1-00;
7 revised 10-20-99.)

8 (720 ILCS 5/11-20.1) (from Ch. 38, par. 11-20.1)
9 Sec. 11-20.1. Child pornography.

10 (a) A person commits the offense of child pornography
11 who:

12 (1) films, videotapes, photographs, or otherwise
13 depicts or portrays by means of any similar visual medium
14 or reproduction or depicts by computer any child whom he
15 knows or reasonably should know to be under the age of 18
16 or any institutionalized severely or profoundly mentally
17 retarded person where such child or institutionalized
18 severely or profoundly mentally retarded person is:

19 (i) actually or by simulation engaged in any
20 act of sexual intercourse with any person or animal;
21 or

22 (ii) actually or by simulation engaged in any
23 act of sexual contact involving the sex organs of
24 the child or institutionalized severely or
25 profoundly mentally retarded person and the mouth,
26 anus, or sex organs of another person or animal; or
27 which involves the mouth, anus or sex organs of the
28 child or institutionalized severely or profoundly
29 mentally retarded person and the sex organs of
30 another person or animal; or

31 (iii) actually or by simulation engaged in any
32 act of masturbation; or

33 (iv) actually or by simulation portrayed as

1 being the object of, or otherwise engaged in, any
2 act of lewd fondling, touching, or caressing
3 involving another person or animal; or

4 (v) actually or by simulation engaged in any
5 act of excretion or urination within a sexual
6 context; or

7 (vi) actually or by simulation portrayed or
8 depicted as bound, fettered, or subject to sadistic,
9 masochistic, or sadomasochistic abuse in any sexual
10 context; or

11 (vii) depicted or portrayed in any pose,
12 posture or setting involving a lewd exhibition of
13 the unclothed genitals, pubic area, buttocks, or, if
14 such person is female, a fully or partially
15 developed breast of the child or other person; or

16 (2) with the knowledge of the nature or content
17 thereof, reproduces, disseminates, offers to disseminate,
18 exhibits or possesses with intent to disseminate any
19 film, videotape, photograph or other similar visual
20 reproduction or depiction by computer of any child or
21 institutionalized severely or profoundly mentally
22 retarded person whom the person knows or reasonably
23 should know to be under the age of 18 or to be an
24 institutionalized severely or profoundly mentally
25 retarded person, engaged in any activity described in
26 subparagraphs (i) through (vii) of paragraph (1) of this
27 subsection; or

28 (3) with knowledge of the subject matter or theme
29 thereof, produces any stage play, live performance, film,
30 videotape or other similar visual portrayal or depiction
31 by computer which includes a child whom the person knows
32 or reasonably should know to be under the age of 18 or an
33 institutionalized severely or profoundly mentally
34 retarded person engaged in any activity described in

1 subparagraphs (i) through (vii) of paragraph (1) of this
2 subsection; or

3 (4) solicits, uses, persuades, induces, entices, or
4 coerces any child whom he knows or reasonably should know
5 to be under the age of 18 or an institutionalized
6 severely or profoundly mentally retarded person to appear
7 in any stage play, live presentation, film, videotape,
8 photograph or other similar visual reproduction or
9 depiction by computer in which the child or
10 institutionalized severely or profoundly mentally
11 retarded person is or will be depicted, actually or by
12 simulation, in any act, pose or setting described in
13 subparagraphs (i) through (vii) of paragraph (1) of this
14 subsection; or

15 (5) is a parent, step-parent, legal guardian or
16 other person having care or custody of a child whom the
17 person knows or reasonably should know to be under the
18 age of 18 or an institutionalized severely or profoundly
19 mentally retarded person and who knowingly permits,
20 induces, promotes, or arranges for such child or
21 institutionalized severely or profoundly mentally
22 retarded person to appear in any stage play, live
23 performance, film, videotape, photograph or other similar
24 visual presentation, portrayal or simulation or depiction
25 by computer of any act or activity described in
26 subparagraphs (i) through (vii) of paragraph (1) of this
27 subsection; or

28 (6) with knowledge of the nature or content
29 thereof, possesses any film, videotape, photograph or
30 other similar visual reproduction or depiction by
31 computer of any child or institutionalized severely or
32 profoundly mentally retarded person whom the person knows
33 or reasonably should know to be under the age of 18 or to
34 be an institutionalized severely or profoundly mentally

1 retarded person, engaged in any activity described in
2 subparagraphs (i) through (vii) of paragraph (1) of this
3 subsection; or

4 (7) solicits, uses, persuades, induces, entices, or
5 coerces a person to provide a child under the age of 18
6 or an institutionalized severely or profoundly mentally
7 retarded person to appear in any videotape, photograph,
8 film, stage play, live presentation, or other similar
9 visual reproduction or depiction by computer in which the
10 child or an institutionalized severely or profoundly
11 mentally retarded person will be depicted, actually or by
12 simulation, in any act, pose, or setting described in
13 subparagraphs (i) through (vii) of paragraph (1) of this
14 subsection.

15 (b) (1) It shall be an affirmative defense to a charge
16 of child pornography that the defendant reasonably believed,
17 under all of the circumstances, that the child was 18 years
18 of age or older or that the person was not an
19 institutionalized severely or profoundly mentally retarded
20 person but only where, prior to the act or acts giving rise
21 to a prosecution under this Section, he took some affirmative
22 action or made a bonafide inquiry designed to ascertain
23 whether the child was 18 years of age or older or that the
24 person was not an institutionalized severely or profoundly
25 mentally retarded person and his reliance upon the
26 information so obtained was clearly reasonable.

27 (2) (Blank).

28 (3) The charge of child pornography shall not apply
29 to the performance of official duties by law enforcement
30 or prosecuting officers, court personnel or attorneys,
31 nor to bonafide treatment or professional education
32 programs conducted by licensed physicians, psychologists
33 or social workers.

34 (4) Possession by the defendant of more than one of

1 the same film, videotape or visual reproduction or
2 depiction by computer in which child pornography is
3 depicted shall raise a rebuttable presumption that the
4 defendant possessed such materials with the intent to
5 disseminate them.

6 (5) The charge of child pornography does not apply
7 to a person who does not voluntarily possess a film,
8 videotape, or visual reproduction or depiction by
9 computer in which child pornography is depicted.
10 Possession is voluntary if the defendant knowingly
11 procures or receives a film, videotape, or visual
12 reproduction or depiction for a sufficient time to be
13 able to terminate his or her possession.

14 (c) Violation of paragraph (1), (4), (5), or (7) of
15 subsection (a) is a Class 1 felony with a mandatory minimum
16 fine of \$2,000 and a maximum fine of \$100,000. Violation of
17 paragraph (3) of subsection (a) is a Class 1 felony with a
18 mandatory minimum fine of \$1500 and a maximum fine of
19 \$100,000. Violation of paragraph (2) of subsection (a) is a
20 Class 1 felony with a mandatory minimum fine of \$1000 and a
21 maximum fine of \$100,000. Violation of paragraph (6) of
22 subsection (a) is a Class 3 felony with a mandatory minimum
23 fine of \$1000 and a maximum fine of \$100,000.

24 (d) If a person is convicted of a second or subsequent
25 violation of this Section within 10 years of a prior
26 conviction, the court shall order a presentence psychiatric
27 examination of the person. The examiner shall report to the
28 court whether treatment of the person is necessary.

29 (e) Any film, videotape, photograph or other similar
30 visual reproduction or depiction by computer which includes a
31 child under the age of 18 or an institutionalized severely or
32 profoundly mentally retarded person engaged in any activity
33 described in subparagraphs (i) through (vii) or paragraph 1
34 of subsection (a), and any material or equipment used or

1 intended for use in photographing, filming, printing,
2 producing, reproducing, manufacturing, projecting,
3 exhibiting, depiction by computer, or disseminating such
4 material shall be seized and forfeited in the manner, method
5 and procedure provided by Section 36-1 of this Code for the
6 seizure and forfeiture of vessels, vehicles and aircraft.

7 (e-5) Upon the conclusion of a case brought under this
8 Section, the court shall seal all evidence depicting a victim
9 or witness that is sexually explicit. The evidence may be
10 unsealed and viewed, on a motion of the party seeking to
11 unseal and view the evidence, only for good cause shown and
12 in the discretion of the court. The motion must expressly
13 set forth the purpose for viewing the material. The State's
14 attorney and the victim, if possible, shall be provided
15 reasonable notice of the hearing on the motion to unseal the
16 evidence. Any person entitled to notice of a hearing under
17 this subsection (e-5) may object to the motion.

18 (f) Definitions. For the purposes of this Section:

19 (1) "Disseminate" means (i) to sell, distribute,
20 exchange or transfer possession, whether with or without
21 consideration or (ii) to make a depiction by computer
22 available for distribution or downloading through the
23 facilities of any telecommunications network or through
24 any other means of transferring computer programs or data
25 to a computer;

26 (2) "Produce" means to direct, promote, advertise,
27 publish, manufacture, issue, present or show;

28 (3) "Reproduce" means to make a duplication or
29 copy;

30 (4) "Depict by computer" means to generate or
31 create, or cause to be created or generated, a computer
32 program or data that, after being processed by a computer
33 either alone or in conjunction with one or more computer
34 programs, results in a visual depiction on a computer

1 monitor, screen, or display.

2 (5) "Depiction by computer" means a computer
3 program or data that, after being processed by a computer
4 either alone or in conjunction with one or more computer
5 programs, results in a visual depiction on a computer
6 monitor, screen, or display.

7 (6) "Computer", "computer program", and "data" have
8 the meanings ascribed to them in Section 16D-2 of this
9 Code.

10 (7) "Child" includes a film, videotape, photograph,
11 or other similar visual medium or reproduction or
12 depiction by computer that is, or appears to be, that of
13 a person, either in part, or in total, under the age of
14 18, regardless of the method by which the film,
15 videotape, photograph, or other similar visual medium or
16 reproduction or depiction by computer is created,
17 adopted, or modified to appear as such. "Child" also
18 includes a film, videotape, photograph, or other similar
19 visual medium or reproduction or depiction by computer
20 that is advertised, promoted, presented, described, or
21 distributed in such a manner that conveys the impression
22 that the film, videotape, photograph, or other similar
23 visual medium or reproduction or depiction by computer is
24 of a person under the age of 18.

25 (g) Re-enactment; findings; purposes.

26 (1) The General Assembly finds and declares that:

27 (i) Section 50-5 of Public Act 88-680,
28 effective January 1, 1995, contained provisions
29 amending the child pornography statute, Section
30 11-20.1 of the Criminal Code of 1961. Section 50-5
31 also contained other provisions.

32 (ii) In addition, Public Act 88-680 was
33 entitled "AN ACT to create a Safe Neighborhoods
34 Law". (A) Article 5 was entitled JUVENILE JUSTICE

1 and amended the Juvenile Court Act of 1987. (B)
2 Article 15 was entitled GANGS and amended various
3 provisions of the Criminal Code of 1961 and the
4 Unified Code of Corrections. (C) Article 20 was
5 entitled ALCOHOL ABUSE and amended various
6 provisions of the Illinois Vehicle Code. (D)
7 Article 25 was entitled DRUG ABUSE and amended the
8 Cannabis Control Act and the Illinois Controlled
9 Substances Act. (E) Article 30 was entitled FIREARMS
10 and amended the Criminal Code of 1961 and the Code
11 of Criminal Procedure of 1963. (F) Article 35
12 amended the Criminal Code of 1961, the Rights of
13 Crime Victims and Witnesses Act, and the Unified
14 Code of Corrections. (G) Article 40 amended the
15 Criminal Code of 1961 to increase the penalty for
16 compelling organization membership of persons. (H)
17 Article 45 created the Secure Residential Youth Care
18 Facility Licensing Act and amended the State Finance
19 Act, the Juvenile Court Act of 1987, the Unified
20 Code of Corrections, and the Private Correctional
21 Facility Moratorium Act. (I) Article 50 amended the
22 WIC Vendor Management Act, the Firearm Owners
23 Identification Card Act, the Juvenile Court Act of
24 1987, the Criminal Code of 1961, the Wrongs to
25 Children Act, and the Unified Code of Corrections.

26 (iii) On September 22, 1998, the Third
27 District Appellate Court in *People v. Dainty*, 701
28 N.E. 2d 118, ruled that Public Act 88-680 violates
29 the single subject clause of the Illinois
30 Constitution (Article IV, Section 8 (d)) and was
31 unconstitutional in its entirety. As of the time
32 this amendatory Act of 1999 was prepared, *People v.*
33 *Dainty* was still subject to appeal.

34 (iv) Child pornography is a vital concern to

1 the people of this State and the validity of future
2 prosecutions under the child pornography statute of
3 the Criminal Code of 1961 is in grave doubt.

4 (2) It is the purpose of this amendatory Act of
5 1999 to prevent or minimize any problems relating to
6 prosecutions for child pornography that may result from
7 challenges to the constitutional validity of Public Act
8 88-680 by re-enacting the Section relating to child
9 pornography that was included in Public Act 88-680.

10 (3) This amendatory Act of 1999 re-enacts Section
11 11-20.1 of the Criminal Code of 1961, as it has been
12 amended. This re-enactment is intended to remove any
13 question as to the validity or content of that Section;
14 it is not intended to supersede any other Public Act that
15 amends the text of the Section as set forth in this
16 amendatory Act of 1999. The material is shown as
17 existing text (i.e., without underscoring) because, as
18 of the time this amendatory Act of 1999 was prepared,
19 People v. Dainty was subject to appeal to the Illinois
20 Supreme Court.

21 (4) The re-enactment by this amendatory Act of 1999
22 of Section 11-20.1 of the Criminal Code of 1961 relating
23 to child pornography that was amended by Public Act
24 88-680 is not intended, and shall not be construed, to
25 imply that Public Act 88-680 is invalid or to limit or
26 impair any legal argument concerning whether those
27 provisions were substantially re-enacted by other Public
28 Acts.

29 (Source: P.A. 90-68, eff. 7-8-97; 90-678, eff. 7-31-98;
30 90-786, eff. 1-1-99; 91-54, eff. 6-30-99; 91-229, eff.
31 1-1-00; 91-357, eff. 7-29-99; revised 8-30-99.)

32 (720 ILCS 5/12-3.2) (from Ch. 38, par. 12-3.2)

33 (Text of Section before amendment by P.A. 91-928)

1 Sec. 12-3.2. Domestic Battery.

2 (a) A person commits domestic battery if he
3 intentionally or knowingly without legal justification by any
4 means:

5 (1) Causes bodily harm to any family or household
6 member as defined in subsection (3) of Section 112A-3 of
7 the Code of Criminal Procedure of 1963, as amended;

8 (2) Makes physical contact of an insulting or
9 provoking nature with any family or household member as
10 defined in subsection (3) of Section 112A-3 of the Code
11 of Criminal Procedure of 1963, as amended.

12 (b) Sentence. Domestic battery is a Class A
13 Misdemeanor. Domestic battery is a Class 4 felony if the
14 defendant has any prior conviction under this Code for
15 domestic battery (Section 12-3.2) or violation of an order of
16 protection (Section 12-30). Domestic battery is a Class 4
17 felony if the defendant has any prior conviction under this
18 Code for aggravated battery (Section 12-4), stalking (Section
19 12-7.3), aggravated stalking (Section 12-7.4), unlawful
20 restraint (Section 10-3), or aggravated unlawful restraint
21 (Section 10-3.1), when any of these offenses have been
22 committed against a family or household member as defined in
23 Section 112A-3 of the Code of Criminal Procedure of 1963. In
24 addition to any other sentencing alternatives, for any second
25 conviction of violating this Section within 5 years of a
26 previous conviction for violating this Section, the offender
27 shall be mandatorily sentenced to a minimum of 48 consecutive
28 hours of imprisonment. The imprisonment shall not be subject
29 to suspension, nor shall the person be eligible for probation
30 in order to reduce the sentence.

31 (c) For any conviction for domestic battery, if a person
32 under 18 years of age who is the child of the offender or of
33 the victim was present and witnessed the domestic battery of
34 the victim, the defendant is liable for the cost of any

1 counseling required for the child at the discretion of the
2 court in accordance with subsection (b) of Section 5-5-6 of
3 the Unified Code of Corrections.

4 (Source: P.A. 90-734, eff. 1-1-99; 91-112, eff. 10-1-99;
5 91-262, eff. 1-1-00; revised 10-7-99.)

6 (Text of Section after amendment by P.A. 91-928)

7 Sec. 12-3.2. Domestic Battery.

8 (a) A person commits domestic battery if he
9 intentionally or knowingly without legal justification by any
10 means:

11 (1) Causes bodily harm to any family or household
12 member as defined in subsection (3) of Section 112A-3 of
13 the Code of Criminal Procedure of 1963, as amended;

14 (2) Makes physical contact of an insulting or
15 provoking nature with any family or household member as
16 defined in subsection (3) of Section 112A-3 of the Code
17 of Criminal Procedure of 1963, as amended.

18 (b) Sentence. Domestic battery is a Class A
19 Misdemeanor. Domestic battery is a Class 4 felony if the
20 defendant has any prior conviction under this Code for
21 domestic battery (Section 12-3.2) or violation of an order of
22 protection (Section 12-30). Domestic battery is a Class 4
23 felony if the defendant has any prior conviction under this
24 Code for aggravated battery (Section 12-4), stalking (Section
25 12-7.3), aggravated stalking (Section 12-7.4), unlawful
26 restraint (Section 10-3), or aggravated unlawful restraint
27 (Section 10-3.1), when any of these offenses have been
28 committed against a family or household member as defined in
29 Section 112A-3 of the Code of Criminal Procedure of 1963. In
30 addition to any other sentencing alternatives, for any second
31 conviction of violating this Section within 5 years of a
32 previous conviction for violating this Section, the offender
33 shall be mandatorily sentenced to a minimum of 48 consecutive
34 hours of imprisonment. The imprisonment shall not be subject

1 to suspension, nor shall the person be eligible for probation
2 in order to reduce the sentence.

3 (c) Domestic battery committed in the presence of a
4 child. In addition to any other sentencing alternatives, a
5 defendant who commits, in the presence of a child, a felony
6 domestic battery (enhanced under subsection (b)), aggravated
7 domestic battery (Section 12-3.3), aggravated battery
8 (Section 12-4), unlawful restraint (Section 10-3), or
9 aggravated unlawful restraint (Section 10-3.1) against a
10 family or household member, as defined in Section 112A-3 of
11 the Code of Criminal Procedure of 1963, shall be required to
12 serve a mandatory minimum imprisonment of 10 days or perform
13 300 hours of community service, or both. The defendant shall
14 further be liable for the cost of any counseling required for
15 the child at the discretion of the court in accordance with
16 subsection (b) of Section 5-5-6 of the Unified Code of
17 Corrections. For purposes of this Section, "child" means a
18 person under 16 years of age who is the defendant's or
19 victim's child or step-child or who is a minor child residing
20 within the household of the defendant or victim. For
21 purposes of this Section, "in the presence of a child" means
22 in the physical presence of a child or knowing or having
23 reason to know that a child is present and may see or hear an
24 act constituting one of the offenses listed in this
25 subsection.

26 (Source: P.A. 90-734, eff. 1-1-99; 91-112, eff. 10-1-99;
27 91-262, eff. 1-1-00; 91-928, eff. 6-1-01.)

28 (720 ILCS 5/12-4) (from Ch. 38, par. 12-4)

29 Sec. 12-4. Aggravated Battery.

30 (a) A person who, in committing a battery, intentionally
31 or knowingly causes great bodily harm, or permanent
32 disability or disfigurement commits aggravated battery.

33 (b) In committing a battery, a person commits aggravated

1 battery if he or she:

2 (1) Uses a deadly weapon other than by the
3 discharge of a firearm;

4 (2) Is hooded, robed or masked, in such manner as
5 to conceal his identity;

6 (3) Knows the individual harmed to be a teacher or
7 other person employed in any school and such teacher or
8 other employee is upon the grounds of a school or grounds
9 adjacent thereto, or is in any part of a building used
10 for school purposes;

11 (4) Knows the individual harmed to be a supervisor,
12 director, instructor or other person employed in any park
13 district and such supervisor, director, instructor or
14 other employee is upon the grounds of the park or grounds
15 adjacent thereto, or is in any part of a building used
16 for park purposes;

17 (5) Knows the individual harmed to be a caseworker,
18 investigator, or other person employed by the State
19 Department of Public Aid, a County Department of Public
20 Aid, or the Department of Human Services (acting as
21 successor to the Illinois Department of Public Aid under
22 the Department of Human Services Act) and such
23 caseworker, investigator, or other person is upon the
24 grounds of a public aid office or grounds adjacent
25 thereto, or is in any part of a building used for public
26 aid purposes, or upon the grounds of a home of a public
27 aid applicant, recipient, or any other person being
28 interviewed or investigated in the employee's discharge
29 of his duties, or on grounds adjacent thereto, or is in
30 any part of a building in which the applicant, recipient,
31 or other such person resides or is located;

32 (6) Knows the individual harmed to be a peace
33 officer, a community policing volunteer, a correctional
34 institution employee, or a fireman while such officer,

1 volunteer, employee or fireman is engaged in the
2 execution of any official duties including arrest or
3 attempted arrest, or to prevent the officer, volunteer,
4 employee or fireman from performing official duties, or
5 in retaliation for the officer, volunteer, employee or
6 fireman performing official duties, and the battery is
7 committed other than by the discharge of a firearm;

8 (7) Knows the individual harmed to be an emergency
9 medical technician - ambulance, emergency medical
10 technician - intermediate, emergency medical technician -
11 paramedic, ambulance driver, other medical assistance,
12 first aid personnel, or hospital emergency room personnel
13 engaged in the performance of any of his or her official
14 duties, or to prevent the emergency medical technician -
15 ambulance, emergency medical technician - intermediate,
16 emergency medical technician - paramedic, ambulance
17 driver, other medical assistance, first aid personnel, or
18 hospital emergency room personnel from performing
19 official duties, or in retaliation for performing
20 official duties;

21 (8) Is, or the person battered is, on or about a
22 public way, public property or public place of
23 accommodation or amusement;

24 (9) Knows the individual harmed to be the driver,
25 operator, employee or passenger of any transportation
26 facility or system engaged in the business of
27 transportation of the public for hire and the individual
28 assaulted is then performing in such capacity or then
29 using such public transportation as a passenger or using
30 any area of any description designated by the
31 transportation facility or system as a vehicle boarding,
32 departure, or transfer location;

33 (10) Knowingly and without legal justification and
34 by any means causes bodily harm to an individual of 60

1 years of age or older;

2 (11) Knows the individual harmed is pregnant;

3 (12) Knows the individual harmed to be a judge whom
4 the person intended to harm as a result of the judge's
5 performance of his or her official duties as a judge;

6 (13) Knows the individual harmed to be an employee
7 of the Illinois Department of Children and Family
8 Services engaged in the performance of his authorized
9 duties as such employee;

10 (14) Knows the individual harmed to be a person who
11 is physically handicapped; or

12 (15) Knowingly and without legal justification and
13 by any means causes bodily harm to a merchant who detains
14 the person for an alleged commission of retail theft
15 under Section 16A-5 of this Code. In this item (15),
16 "merchant" has the meaning ascribed to it in Section
17 16A-2.4 of this Code.

18 For the purpose of paragraph (14) of subsection (b) of
19 this Section, a physically handicapped person is a person who
20 suffers from a permanent and disabling physical
21 characteristic, resulting from disease, injury, functional
22 disorder or congenital condition.

23 (c) A person who administers to an individual or causes
24 him to take, without his consent or by threat or deception,
25 and for other than medical purposes, any intoxicating,
26 poisonous, stupefying, narcotic, anesthetic, or controlled
27 substance commits aggravated battery.

28 (d) A person who knowingly gives to another person any
29 food that contains any substance or object that is intended
30 to cause physical injury if eaten, commits aggravated
31 battery.

32 (d-3) ~~(d-5)~~ A person commits aggravated battery when he
33 or she knowingly and without lawful justification shines or
34 flashes a laser gunsight or other laser device that is

1 attached or affixed to a firearm, or used in concert with a
2 firearm, so that the laser beam strikes upon or against the
3 person of another.

4 (d-5) An inmate of a penal institution who causes or
5 attempts to cause a correctional employee of the penal
6 institution to come into contact with blood, seminal fluid,
7 urine, or feces, by throwing, tossing, or expelling that
8 fluid or material commits aggravated battery. For purposes
9 of this subsection (d-5), "correctional employee" means a
10 person who is employed by a penal institution.

11 (e) Sentence.

12 Aggravated battery is a Class 3 felony.

13 (Source: P.A. 90-115, eff. 1-1-98; 90-651, eff. 1-1-99;
14 90-735, eff. 8-11-98; 91-357, eff. 7-29-99; 91-488, eff.
15 1-1-00; 91-619, eff. 1-1-00; 91-672, eff. 1-1-00; revised
16 1-7-00.)

17 (720 ILCS 5/12-9) (from Ch. 38, par. 12-9)

18 Sec. 12-9. Threatening public officials.

19 (a) A person commits the offense of threatening a public
20 official when:

21 (1) that person knowingly and willfully delivers or
22 conveys, directly or indirectly, to a public official by
23 any means a communication:

24 (i) containing a threat that would place the
25 public official or a member of his or her immediate
26 family in reasonable apprehension of immediate or
27 future bodily harm, sexual assault, confinement, or
28 restraint; or

29 (ii) containing a threat that would place the
30 public official or a member of his or her immediate
31 family in reasonable apprehension that damage will
32 occur to property in the custody, care, or control
33 of the public official or his or her immediate

1 family; and

2 (2) the threat was conveyed because of the
3 performance or nonperformance of some public duty,
4 because of hostility of the person making the threat
5 toward the status or position of the public official, or
6 because of any other factor related to the official's
7 public existence.

8 (b) For purposes of this Section:

9 (1) "Public official" means a person who is elected
10 to office in accordance with a statute or who is
11 appointed to an office which is established, and the
12 qualifications and duties of which are prescribed, by
13 statute, to discharge a public duty for the State or any
14 of its political subdivisions or in the case of an
15 elective office any person who has filed the required
16 documents for nomination or election to such office.†
17 "Public official" includes a duly appointed assistant
18 State's Attorney.†

19 (2) "Immediate family" means a public official's
20 spouse or child or children.

21 (c) Threatening a public official is a Class 3 felony
22 for a first offense and a Class 2 felony for a second or
23 subsequent offense.

24 (Source: P.A. 91-335, eff. 1-1-00; 91-387, eff. 1-1-00;
25 revised 10-20-99.)

26 (720 ILCS 5/12-14.1)

27 Sec. 12-14.1. Predatory criminal sexual assault of a
28 child.

29 (a) The accused commits predatory criminal sexual
30 assault of a child if:

31 (1) the accused was 17 years of age or over and
32 commits an act of sexual penetration with a victim who
33 was under 13 years of age when the act was committed; or

1 (1.1) the accused was 17 years of age or over and,
 2 while armed with a firearm, commits an act of sexual
 3 penetration with a victim who was under 13 years of age
 4 when the act was committed; or

5 (1.2) the accused was 17 years of age or over and
 6 commits an act of sexual penetration with a victim who
 7 was under 13 years of age when the act was committed and,
 8 during the commission of the offense, the accused
 9 personally discharged a firearm; or

10 (2) the accused was 17 years of age or over and
 11 commits an act of sexual penetration with a victim who
 12 was under 13 years of age when the act was committed and
 13 the accused caused great bodily harm to the victim that:

14 (A) resulted in permanent disability; or

15 (B) was life threatening; or

16 (3) the accused was 17 years of age or over and
 17 commits an act of sexual penetration with a victim who
 18 was under 13 years of age when the act was committed and
 19 the accused delivered (by injection, inhalation,
 20 ingestion, transfer of possession, or any other means) to
 21 the victim without his or her consent, or by threat or
 22 deception, and for other than medical purposes, any
 23 controlled substance.

24 (b) Sentence.

25 (1) A person convicted of a violation of subsection
 26 (a)(1) commits a Class X felony. A person convicted of a
 27 violation of subsection (a)(1.1) commits a Class X felony
 28 for which 15 years shall be added to the term of
 29 imprisonment imposed by the court. A person convicted of
 30 a violation of subsection (a)(1.2) commits a Class X
 31 felony for which 20 years shall be added to the term of
 32 imprisonment imposed by the court. A person convicted of
 33 a violation of subsection (a)(2) commits a Class X felony
 34 for which the person shall be sentenced to a term of

1 imprisonment of not less than 50 years or up to a term of
2 natural life imprisonment.

3 (1.1) A person convicted of a violation of
4 subsection (a)(3) commits a Class X felony for which the
5 person shall be sentenced to a term of imprisonment of
6 not less than 50 years and not more than 60 years.

7 (1.2) A person convicted of predatory criminal
8 sexual assault of a child committed against 2 or more
9 persons regardless of whether the offenses occurred as
10 the result of the same act or of several related or
11 unrelated acts shall be sentenced to a term of natural
12 life imprisonment.

13 (2) A person who is convicted of a second or
14 subsequent offense of predatory criminal sexual assault
15 of a child, or who is convicted of the offense of
16 predatory criminal sexual assault of a child after having
17 previously been convicted of the offense of criminal
18 sexual assault or the offense of aggravated criminal
19 sexual assault, or who is convicted of the offense of
20 predatory criminal sexual assault of a child after having
21 previously been convicted under the laws of this State or
22 any other state of an offense that is substantially
23 equivalent to the offense of predatory criminal sexual
24 assault of a child, the offense of aggravated criminal
25 sexual assault or the offense of criminal sexual assault,
26 shall be sentenced to a term of natural life
27 imprisonment. The commission of the second or subsequent
28 offense is required to have been after the initial
29 conviction for this paragraph (2) to apply.

30 (Source: P.A. 90-396, eff. 1-1-98; 90-735, eff. 8-11-98;
31 91-238, eff. 1-1-00; 91-404, eff. 1-1-00; revised 10-13-99.)

32 (720 ILCS 5/16-1) (from Ch. 38, par. 16-1)

33 Sec. 16-1. Theft.

1 (a) A person commits theft when he knowingly:

2 (1) Obtains or exerts unauthorized control over
3 property of the owner; or

4 (2) Obtains by deception control over property of
5 the owner; or

6 (3) Obtains by threat control over property of the
7 owner; or

8 (4) Obtains control over stolen property knowing
9 the property to have been stolen or under such
10 circumstances as would reasonably induce him to believe
11 that the property was stolen; or

12 (5) Obtains or exerts control over property in the
13 custody of any law enforcement agency which is explicitly
14 represented to him by any law enforcement officer or any
15 individual acting in behalf of a law enforcement agency
16 as being stolen, and

17 (A) Intends to deprive the owner permanently
18 of the use or benefit of the property; or

19 (B) Knowingly uses, conceals or abandons the
20 property in such manner as to deprive the owner
21 permanently of such use or benefit; or

22 (C) Uses, conceals, or abandons the property
23 knowing such use, concealment or abandonment
24 probably will deprive the owner permanently of such
25 use or benefit.

26 (b) Sentence.

27 (1) Theft of property not from the person and not
28 exceeding \$300 in value is a Class A misdemeanor.

29 (1.1) Theft of property, ~~other than a firearm,~~ not
30 from the person and not exceeding \$300 in value is a
31 Class 4 felony if the theft was committed in a school or
32 place of worship.

33 (2) A person who has been convicted of theft of
34 property not from the person and not exceeding \$300 in

1 value who has been previously convicted of any type of
2 theft, robbery, armed robbery, burglary, residential
3 burglary, possession of burglary tools, home invasion,
4 forgery, a violation of Section 4-103, 4-103.1, 4-103.2,
5 or 4-103.3 of the Illinois Vehicle Code relating to the
6 possession of a stolen or converted motor vehicle, or a
7 violation of Section 8 of the Illinois Credit Card and
8 Debit Card Act is guilty of a Class 4 felony. When a
9 person has any such prior conviction, the information or
10 indictment charging that person shall state such prior
11 conviction so as to give notice of the State's intention
12 to treat the charge as a felony. The fact of such prior
13 conviction is not an element of the offense and may not
14 be disclosed to the jury during trial unless otherwise
15 permitted by issues properly raised during such trial.

16 (3) (Blank).

17 (4) Theft of property from the person not exceeding
18 \$300 in value, or theft of property exceeding \$300 and
19 not exceeding \$10,000 in value, is a Class 3 felony.

20 (4.1) Theft of property from the person not
21 exceeding \$300 in value, or theft of property exceeding
22 \$300 and not exceeding \$10,000 in value, is a Class 2
23 felony if the theft was committed in a school or place of
24 worship.

25 (5) Theft of property exceeding \$10,000 and not
26 exceeding \$100,000 in value is a Class 2 felony.

27 (5.1) Theft of property exceeding \$10,000 and not
28 exceeding \$100,000 in value is a Class 1 felony if the
29 theft was committed in a school or place of worship.

30 (6) Theft of property exceeding \$100,000 in value
31 is a Class 1 felony.

32 (6.1) Theft of property exceeding \$100,000 in value
33 is a Class X felony if the theft was committed in a
34 school or place of worship.

1 (7) Theft by deception, as described by paragraph
2 (2) of subsection (a) of this Section, in which the
3 offender obtained money or property valued at \$5,000 or
4 more from a victim 60 years of age or older is a Class 2
5 felony.

6 (c) When a charge of theft of property exceeding a
7 specified value is brought, the value of the property
8 involved is an element of the offense to be resolved by the
9 trier of fact as either exceeding or not exceeding the
10 specified value.

11 (Source: P.A. 91-118, eff. 1-1-00; 91-360, eff. 7-29-99;
12 91-544, eff. 1-1-00; revised 10-7-99.)

13 (720 ILCS 5/17-2) (from Ch. 38, par. 17-2)

14 Sec. 17-2. False personation; use of title;
15 solicitation; certain entities.

16 (a) A person commits a false personation when he or she
17 falsely represents himself or herself to be a member or
18 representative of any veterans' or public safety personnel
19 organization or a representative of any charitable
20 organization, or when any person exhibits or uses in any
21 manner any decal, badge or insignia of any charitable, public
22 safety personnel, or veterans' organization when not
23 authorized to do so by the charitable, public safety
24 personnel, or veterans' organization. "Public safety
25 personnel organization" has the meaning ascribed to that term
26 in Section 1 of the Solicitation for Charity Act.

27 (a-5) A person commits a false personation when he or
28 she falsely represents himself or herself to be a veteran in
29 seeking employment or public office. In this subsection,
30 "veteran" means a person who has served in the Armed Services
31 or Reserved Forces of the United States.

32 (b) No person shall use the words "Chicago Police,"
33 "Chicago Police Department," "Chicago Patrolman," "Chicago

1 Sergeant," "Chicago Lieutenant," "Chicago Peace Officer" or
2 any other words to the same effect in the title of any
3 organization, magazine, or other publication without the
4 express approval of the Chicago Police Board.

5 (b-5) No person shall use the words "Cook County
6 Sheriff's Police" or "Cook County Sheriff" or any other words
7 to the same effect in the title of any organization,
8 magazine, or other publication without the express approval
9 of the office of the Cook County Sheriff's Merit Board. The
10 references to names and titles in this Section may not be
11 construed as authorizing use of the names and titles of other
12 organizations or public safety personnel organizations
13 otherwise prohibited by this Section or the Solicitation for
14 Charity Act.

15 (c) (Blank).

16 (c-1) No person may claim or represent that he or she is
17 acting on behalf of any police department, chief of a police
18 department, fire department, chief of a fire department,
19 sheriff's department, or sheriff when soliciting financial
20 contributions or selling or delivering or offering to sell or
21 deliver any merchandise, goods, services, memberships, or
22 advertisements unless the chief of the police department,
23 fire department, and the corporate or municipal authority
24 thereof, or the sheriff has first entered into a written
25 agreement with the person or with an organization with which
26 the person is affiliated and the agreement permits the
27 activity.

28 (c-2) No person, when soliciting financial contributions
29 or selling or delivering or offering to sell or deliver any
30 merchandise, goods, services, memberships, or advertisements
31 may claim or represent that he or she is representing or
32 acting on behalf of any nongovernmental organization by any
33 name which includes "officer", "peace officer", "police",
34 "law enforcement", "trooper", "sheriff", "deputy", "deputy

1 sheriff", "State police", or any other word or words which
2 would reasonably be understood to imply that the organization
3 is composed of law enforcement personnel unless the person is
4 actually representing or acting on behalf of the
5 nongovernmental organization, and the nongovernmental
6 organization is controlled by and governed by a membership of
7 and represents a group or association of active duty peace
8 officers, retired peace officers, or injured peace officers
9 and before commencing the solicitation or the sale or the
10 offers to sell any merchandise, goods, services, memberships,
11 or advertisements, a written contract between the soliciting
12 or selling person and the nongovernmental organization has
13 been entered into.

14 (c-3) No person may solicit financial contributions or
15 sell or deliver or offer to sell or deliver any merchandise,
16 goods, services, memberships, or advertisements on behalf of
17 a police, sheriff, or other law enforcement department unless
18 that person is actually representing or acting on behalf of
19 the department or governmental organization and has entered
20 into a written contract with the police chief, or head of the
21 law enforcement department, and the corporate or municipal
22 authority thereof, or the sheriff, which specifies and states
23 clearly and fully the purposes for which the proceeds of the
24 solicitation, contribution, or sale will be used.

25 (c-4) No person, when soliciting financial contributions
26 or selling or delivering or offering to sell or deliver any
27 merchandise, goods, services, memberships, or advertisements,
28 may claim or represent that he or she is representing or
29 acting on behalf of any nongovernmental organization by any
30 name which includes the term "fireman", "fire fighter",
31 "paramedic", or any other word or words which would
32 reasonably be understood to imply that the organization is
33 composed of fire fighter or paramedic personnel unless the
34 person is actually representing or acting on behalf of the

1 nongovernmental organization, and the nongovernmental
2 organization is controlled by and governed by a membership of
3 and represents a group or association of active duty,
4 retired, or injured fire fighters (for the purposes of this
5 Section, "fire fighter" has the meaning ascribed to that term
6 in Section 2 of the Illinois Fire Protection Training Act) or
7 active duty, retired, or injured emergency medical
8 technicians - ambulance, emergency medical technicians -
9 intermediate, emergency medical technicians - paramedic,
10 ambulance drivers, or other medical assistance or first aid
11 personnel, and before commencing the solicitation or the sale
12 or delivery or the offers to sell or deliver any merchandise,
13 goods, services, memberships, or advertisements, a written
14 contract between the soliciting or selling person and the
15 nongovernmental organization has been entered into.

16 (c-5) No person may solicit financial contributions or
17 sell or deliver or offer to sell or deliver any merchandise,
18 goods, services, memberships, or advertisements on behalf of
19 a department or departments of fire fighters unless that
20 person is actually representing or acting on behalf of the
21 department or departments and has entered into a written
22 contract with the department chief and corporate or municipal
23 authority thereof which specifies and states clearly and
24 fully the purposes for which the proceeds of the
25 solicitation, contribution, or sale will be used.

26 (d) Sentence. False personation, unapproved use of a
27 name or title, or solicitation in violation of subsection
28 (a), (b), or (b-5) and ~~(b-1)~~ of this Section is a Class C
29 misdemeanor. False personation in violation of subsection
30 (a-5) is a Class A misdemeanor. Engaging in any activity in
31 violation of subsection (c-1), (c-2), (c-3), (c-4), or (c-5)
32 of this Section is a Class 4 felony.

33 (Source: P.A. 91-301, eff. 7-29-99; 91-302, eff. 7-29-99;
34 revised 10-15-99.)

1 (720 ILCS 5/17-23)

2 Sec. 17-23. Counterfeit Universal Price Code Label.

3 (a) A person who, with intent to defraud a merchant,
4 possesses, uses, transfers, makes, sells, reproduces,
5 tenders, or delivers a false, counterfeit, altered, or
6 simulated Universal Price Code Label is guilty of a Class 4
7 felony.

8 (b) A person who possesses more than one false,
9 counterfeit, altered, or simulated Universal Price Code Label
10 or who possesses a device the purpose of which is to
11 manufacture false, counterfeit, altered, or simulated
12 Universal Price Code Labels is guilty of a Class 3 felony.

13 (c) (Blank).

14 (d) Definitions. In this Section:

15 "Universal Price Code Label" means a unique symbol that
16 consists of a machine readable code and human readable
17 numbers.

18 "Merchant" has the meaning ascribed to it in Section
19 16A-2.4 of this Code.

20 "Intent to defraud" has the meaning ascribed to it in
21 paragraph (iii) of subsection (A) of Section 17-1 of this
22 Code.

23 (Source: P.A. 91-136, eff. 1-1-00; revised 11-8-99.)

24 (720 ILCS 5/17-24)

25 Sec. 17-24. ~~17-23.~~ Fraudulent schemes and artifices.

26 (a) Fraud by wire, radio, or television.

27 (1) A person commits wire fraud when he or she:

28 (A) devises or intends to devise a scheme or
29 artifice to defraud or to obtain money or property
30 by means of false pretenses, representations, or
31 promises; and

32 (B) (i) transmits or causes to be transmitted
33 from within this State; or

1 (ii) transmits or causes to be
2 transmitted so that it is received by a person
3 within this State; or

4 (iii) transmits or causes to be
5 transmitted so that it is reasonably
6 foreseeable that it will be accessed by a
7 person within this State:

8 any writings, signals, pictures, sounds, or electronic or
9 electric impulses by means of wire, radio, or television
10 communications for the purpose of executing the scheme or
11 artifice.

12 (2) A scheme or artifice to defraud using
13 electronic transmissions is deemed to occur in the county
14 from which a transmission is sent, if the transmission is
15 sent from within this State, the county in which a person
16 within this State receives the transmission, and the
17 county in which a person who is within this State is
18 located when the person accesses a transmission.

19 (3) Wire fraud is a Class 3 felony.

20 (b) Mail fraud.

21 (1) A person commits mail fraud when he or she:

22 (A) devises or intends to devise any scheme or
23 artifice to defraud or to obtain money or property
24 by means of false or fraudulent pretenses,
25 representations or promises, or to sell, dispose of,
26 loan, exchange, alter, give away, distribute,
27 supply, or furnish or procure for unlawful use any
28 counterfeit obligation, security, or other article,
29 or anything represented to be or intimidated or held
30 out to be such counterfeit or spurious article; and

31 (B) for the purpose of executing such scheme
32 or artifice or attempting so to do, places in any
33 post office or authorized depository for mail matter
34 within this State, any matter or thing whatever to

1 be delivered by the Postal Service, or deposits or
 2 causes to be deposited in this State by mail or by
 3 private or commercial carrier according to the
 4 direction on the matter or thing, or at the place at
 5 which it is directed to be delivered by the person
 6 to whom it is addressed, any such matter or thing.

7 (2) A scheme or artifice to defraud using a
 8 government or private carrier is deemed to occur in the
 9 county in which mail or other matter is deposited with
 10 the Postal Service or a private commercial carrier for
 11 delivery, if deposited with the Postal Service or a
 12 private or commercial carrier within this State and the
 13 county in which a person within this State receives the
 14 mail or other matter from the Postal Service or a private
 15 or commercial carrier.

16 (3) Mail fraud is a Class 3 felony.

17 (c) Financial institution fraud.

18 (1) A person is guilty of financial institution
 19 fraud who knowingly executes or attempts to execute a
 20 scheme or artifice:

- 21 (i) to defraud a financial institution; or
- 22 (ii) to obtain any of the moneys, funds,
- 23 credits, assets, securities, or other property owned
- 24 by, or under the custody or control of a financial
- 25 institution, by means of pretenses, representations,
- 26 or promises he or she knows to be false.

27 (2) Financial institution fraud is a Class 3
 28 felony.

29 (d) The period of limitations for prosecution of any
 30 offense defined in this Section begins at the time when the
 31 last act in furtherance of the scheme or artifice is
 32 committed.

33 (e) In this Section:

34 (1) "Scheme or artifice to defraud" includes a

1 scheme or artifice to deprive another of the intangible
2 right to honest services.

3 (2) "Financial institution" has the meaning
4 ascribed to it in paragraph (i) of subsection (A) of
5 Section 17-1 of this Code.

6 (Source: P.A. 91-228, eff. 1-1-00; revised 11-8-99.)

7 (720 ILCS 5/Art. 20.5 heading)

8 ARTICLE 20.5. CAUSING A CATASTROPHE; DEADLY SUBSTANCES

9 (720 ILCS 5/21-1.5)

10 Sec. 21-1.5. Anhydrous ammonia equipment, containers,
11 and facilities.

12 (a) It is unlawful for any person to tamper with
13 anhydrous ammonia equipment, containers, or storage
14 facilities.

15 (b) Tampering with anhydrous ammonia equipment,
16 containers, or storage facilities occurs when any person who
17 is not authorized by the owner of the anhydrous ammonia,
18 anhydrous ammonia equipment, storage containers, or storage
19 facilities transfers or attempts to transfer anhydrous
20 ammonia to another container, causes damage to the anhydrous
21 ammonia equipment, storage container, or storage facility, or
22 vents anhydrous ammonia into the environment.

23 (b-5) It is unlawful for any person to transport
24 anhydrous ammonia in a portable container if the container is
25 not a package authorized for anhydrous ammonia transportation
26 as defined in rules adopted under the Illinois Hazardous
27 Materials Transportation Act. For purposes of this
28 subsection (b-5), an authorized package includes a package
29 previously authorized under the Illinois Hazardous Materials
30 Transportation Act.

31 (b-10) For purposes of this Section:

32 "Anhydrous ammonia" means the compound defined in

1 paragraph (d) of Section 3 of the Illinois Fertilizer Act of
2 1961.

3 "Anhydrous ammonia equipment", "anhydrous ammonia storage
4 containers", and "anhydrous ammonia storage facilities" are
5 defined in rules adopted under the Illinois Fertilizer Act of
6 1961.

7 (c) Sentence. A violation of subsection (a) or (b) of
8 this Section is a Class A misdemeanor. A violation of
9 subsection (b-5) of this Section is a Class 4 felony.

10 (Source: P.A. 91-402, eff. 1-1-00; 91-889, eff. 1-1-01;
11 revised 9-22-00.)

12 (720 ILCS 5/26-1) (from Ch. 38, par. 26-1)

13 Sec. 26-1. Elements of the Offense.

14 (a) A person commits disorderly conduct when he
15 knowingly:

16 (1) Does any act in such unreasonable manner as to
17 alarm or disturb another and to provoke a breach of the
18 peace; or

19 (2) Transmits or causes to be transmitted in any
20 manner to the fire department of any city, town, village
21 or fire protection district a false alarm of fire,
22 knowing at the time of such transmission that there is no
23 reasonable ground for believing that such fire exists; or

24 (3) Transmits or causes to be transmitted in any
25 manner to another a false alarm to the effect that a bomb
26 or other explosive of any nature or a container holding
27 poison gas, a deadly biological or chemical contaminant,
28 or radioactive substance is concealed in such place that
29 its explosion or release would endanger human life,
30 knowing at the time of such transmission that there is no
31 reasonable ground for believing that such bomb, explosive
32 or a container holding poison gas, a deadly biological or
33 chemical contaminant, or radioactive substance is

1 concealed in such place; or

2 (4) Transmits or causes to be transmitted in any
3 manner to any peace officer, public officer or public
4 employee a report to the effect that an offense will be
5 committed, is being committed, or has been committed,
6 knowing at the time of such transmission that there is no
7 reasonable ground for believing that such an offense will
8 be committed, is being committed, or has been committed;
9 or

10 (5) Enters upon the property of another and for a
11 lewd or unlawful purpose deliberately looks into a
12 dwelling on the property through any window or other
13 opening in it; or

14 (6) While acting as a collection agency as defined
15 in the "Collection Agency Act" or as an employee of such
16 collection agency, and while attempting to collect an
17 alleged debt, makes a telephone call to the alleged
18 debtor which is designed to harass, annoy or intimidate
19 the alleged debtor; or

20 (7) Transmits or causes to be transmitted a false
21 report to the Department of Children and Family Services
22 under Section 4 of the "Abused and Neglected Child
23 Reporting Act"; or

24 (8) Transmits or causes to be transmitted a false
25 report to the Department of Public Health under the
26 Nursing Home Care Act; or

27 (9) Transmits or causes to be transmitted in any
28 manner to the police department or fire department of any
29 municipality or fire protection district, or any
30 privately owned and operated ambulance service, a false
31 request for an ambulance, emergency medical
32 technician-ambulance or emergency medical
33 technician-paramedic knowing at the time there is no
34 reasonable ground for believing that such assistance is

1 required; or

2 (10) Transmits or causes to be transmitted a false
3 report under Article II of "An Act in relation to victims
4 of violence and abuse", approved September 16, 1984, as
5 amended; or

6 (11) Transmits or causes to be transmitted a false
7 report to any public safety agency without the reasonable
8 grounds necessary to believe that transmitting such a
9 report is necessary for the safety and welfare of the
10 public; or

11 (12) Calls the number "911" for the purpose of
12 making or transmitting a false alarm or complaint and
13 reporting information when, at the time the call or
14 transmission is made, the person knows there is no
15 reasonable ground for making the call or transmission and
16 further knows that the call or transmission could result
17 in the emergency response of any public safety agency.

18 (b) Sentence. ~~(1)~~ A violation of subsection (a)(1) of
19 this Section is a Class C misdemeanor. A violation of
20 subsection (a)(5), (a)(7), (a)(11), or (a)(12) of this
21 Section is a Class A misdemeanor. A violation of subsection
22 (a)(8) or (a)(10) of this Section is a Class B misdemeanor.
23 A violation of subsection (a)(2), (a)(4), or (a)(9) of this
24 Section is a Class 4 felony. A violation of subsection
25 (a)(3) of this Section is a Class 3 felony, for which a fine
26 of not less than \$3,000 and no more than \$10,000 shall be
27 assessed in addition to any other penalty imposed.

28 A violation of subsection (a)(6) of this Section is a
29 Business Offense and shall be punished by a fine not to
30 exceed \$3,000. A second or subsequent violation of
31 subsection (a)(7), (a)(11), or (a)(12) of this Section is a
32 Class 4 felony. A third or subsequent violation of
33 subsection (a)(5) of this Section is a Class 4 felony.

34 (c) In addition to any other sentence that may be

1 imposed, a court shall order any person convicted of
 2 disorderly conduct to perform community service for not less
 3 than 30 and not more than 120 hours, if community service is
 4 available in the jurisdiction and is funded and approved by
 5 the county board of the county where the offense was
 6 committed. In addition, whenever any person is placed on
 7 supervision for an alleged offense under this Section, the
 8 supervision shall be conditioned upon the performance of the
 9 community service.

10 This subsection does not apply when the court imposes a
 11 sentence of incarceration.

12 (Source: P.A. 90-456, eff. 1-1-98; 91-115, eff. 1-1-00;
 13 91-121, eff. 7-15-99; revised 10-7-99.)

14 (720 ILCS 5/33C-5) (from Ch. 38, par. 33C-5)

15 Sec. 33C-5. Definitions. As used in this Article,
 16 "minority owned business", "female owned business", "State
 17 agency" and "certification" shall have the meanings ascribed
 18 to them in Section 2 of the Minority--and--Female Business
 19 Enterprise for Minorities, Females, and Persons with
 20 Disabilities Act, ~~approved-September-6, 1984, as amended.~~

21 (Source: P.A. 84-192; revised 8-23-99.)

22 (720 ILCS 5/33E-2) (from Ch. 38, par. 33E-2)

23 Sec. 33E-2. Definitions. In this Act:

24 (a) "Public contract" means any contract for goods,
 25 services or construction let to any person with or without
 26 bid by any unit of State or local government.

27 (b) "Unit of State or local government" means the State,
 28 any unit of state government or agency thereof, any county or
 29 municipal government or committee or agency thereof, or any
 30 other entity which is funded by or expends tax dollars or the
 31 proceeds of publicly guaranteed bonds.

32 (c) "Change order" means a change in a contract term

1 other than as specifically provided for in the contract which
2 authorizes or necessitates any increase or decrease in the
3 cost of the contract or the time to completion.

4 (d) "Person" means any individual, firm, partnership,
5 corporation, joint venture or other entity, but does not
6 include a unit of State or local government.

7 (e) "Person employed by any unit of State or local
8 government" means any employee of a unit of State or local
9 government and any person defined in subsection (d) who is
10 authorized by such unit of State or local government to act
11 on its behalf in relation to any public contract.

12 (f) "Sheltered market" has the meaning ascribed to it in
13 Section 8b of 2--of the Minority--and--Female Business
14 Enterprise for Minorities, Females, and Persons with
15 Disabilities Act,--as-new-or-hereafter-amended.

16 (g) "Kickback" means any money, fee, commission, credit,
17 gift, gratuity, thing of value, or compensation of any kind
18 which is provided, directly or indirectly, to any prime
19 contractor, prime contractor employee, subcontractor, or
20 subcontractor employee for the purpose of improperly
21 obtaining or rewarding favorable treatment in connection with
22 a prime contract or in connection with a subcontract relating
23 to a prime contract.

24 (h) "Prime contractor" means any person who has entered
25 into a public contract.

26 (i) "Prime contractor employee" means any officer,
27 partner, employee, or agent of a prime contractor.

28 (i-5) "Stringing" means knowingly structuring a contract
29 or job order to avoid the contract or job order being subject
30 to competitive bidding requirements.

31 (j) "Subcontract" means a contract or contractual action
32 entered into by a prime contractor or subcontractor for the
33 purpose of obtaining goods or services of any kind under a
34 prime contract.

1 (k) "Subcontractor" (1) means any person, other than the
2 prime contractor, who offers to furnish or furnishes any
3 goods or services of any kind under a prime contract or a
4 subcontract entered into in connection with such prime
5 contract; and (2) includes any person who offers to furnish
6 or furnishes goods or services to the prime contractor or a
7 higher tier subcontractor.

8 (1) "Subcontractor employee" means any officer, partner,
9 employee, or agent of a subcontractor.

10 (Source: P.A. 90-800, eff. 1-1-99; revised 8-23-99.)

11 Section 89. The Illinois Controlled Substances Act is
12 amended by changing Sections 401 and 407 as follows:

13 (720 ILCS 570/401) (from Ch. 56 1/2, par. 1401)

14 Sec. 401. Except as authorized by this Act, it is
15 unlawful for any person knowingly to: (i) manufacture or
16 deliver, or possess with intent to manufacture or deliver, a
17 controlled or counterfeit substance or controlled substance
18 analog or (ii) possess any methamphetamine manufacturing
19 chemical listed in paragraph (z-1) of Section 102 with the
20 intent to manufacture methamphetamine or the salt of an
21 optical isomer of methamphetamine or an analog thereof. A
22 violation of this Act with respect to each of the controlled
23 substances listed herein constitutes a single and separate
24 violation of this Act. For purposes of this Section,
25 "controlled substance analog" or "analog" means a substance
26 which is intended for human consumption, other than a
27 controlled substance, that has a chemical structure
28 substantially similar to that of a controlled substance in
29 Schedule I or II, or that was specifically designed to
30 produce an effect substantially similar to that of a
31 controlled substance in Schedule I or II. Examples of
32 chemical classes in which controlled substance analogs are

1 found include, but are not limited to, the following:
2 phenethylamines, N-substituted piperidines, morphinans,
3 ecgonines, quinazolinones, substituted indoles, and
4 arylcycloalkylamines. For purposes of this Act, a controlled
5 substance analog shall be treated in the same manner as the
6 controlled substance to which it is substantially similar.

7 (a) Any person who violates this Section with respect to
8 the following amounts of controlled or counterfeit substances
9 or controlled substance analogs, notwithstanding any of the
10 provisions of subsections (c), (c-5), (d), (d-5), (e), (f),
11 (g) or (h) to the contrary, is guilty of a Class X felony and
12 shall be sentenced to a term of imprisonment as provided in
13 this subsection (a) and fined as provided in subsection (b):

14 (1) (A) not less than 6 years and not more than 30
15 years with respect to 15 grams or more but less than
16 100 grams of a substance containing heroin, or an
17 analog thereof;

18 (B) not less than 9 years and not more than 40
19 years with respect to 100 grams or more but less
20 than 400 grams of a substance containing heroin, or
21 an analog thereof;

22 (C) not less than 12 years and not more than
23 50 years with respect to 400 grams or more but less
24 than 900 grams of a substance containing heroin, or
25 an analog thereof;

26 (D) not less than 15 years and not more than
27 60 years with respect to 900 grams or more of any
28 substance containing heroin, or an analog thereof;

29 (2) (A) not less than 6 years and not more than 30
30 years with respect to 15 grams or more but less than
31 100 grams of a substance containing cocaine, or an
32 analog thereof;

33 (B) not less than 9 years and not more than 40
34 years with respect to 100 grams or more but less

1 than 400 grams of a substance containing cocaine, or
2 an analog thereof;

3 (C) not less than 12 years and not more than
4 50 years with respect to 400 grams or more but less
5 than 900 grams of a substance containing cocaine, or
6 an analog thereof;

7 (D) not less than 15 years and not more than
8 60 years with respect to 900 grams or more of any
9 substance containing cocaine, or an analog thereof;

10 (3) (A) not less than 6 years and not more than 30
11 years with respect to 15 grams or more but less than
12 100 grams of a substance containing morphine, or an
13 analog thereof;

14 (B) not less than 9 years and not more than 40
15 years with respect to 100 grams or more but less
16 than 400 grams of a substance containing morphine,
17 or an analog thereof;

18 (C) not less than 12 years and not more than
19 50 years with respect to 400 grams or more but less
20 than 900 grams of a substance containing morphine,
21 or an analog thereof;

22 (D) not less than 15 years and not more than
23 60 years with respect to 900 grams or more of a
24 substance containing morphine, or an analog thereof;

25 (4) 200 grams or more of any substance containing
26 peyote, or an analog thereof;

27 (5) 200 grams or more of any substance containing a
28 derivative of barbituric acid or any of the salts of a
29 derivative of barbituric acid, or an analog thereof;

30 (6) 200 grams or more of any substance containing
31 amphetamine or any salt of an optical isomer of
32 amphetamine, or an analog thereof;

33 (6.5) (A) not less than 6 years and not more than
34 30 years with respect to 15 grams or more but less

1 than 100 grams of a substance containing
2 methamphetamine or any salt of an optical isomer of
3 methamphetamine, or an analog thereof;

4 (B) not less than 9 years and not more than 40
5 years with respect to 100 grams or more but less
6 than 400 grams of a substance containing
7 methamphetamine or any salt of an optical isomer of
8 methamphetamine, or an analog thereof;

9 (C) not less than 12 years and not more than
10 50 years with respect to 400 grams or more but less
11 than 900 grams of a substance containing
12 methamphetamine or any salt of an optical isomer of
13 methamphetamine, or an analog thereof;

14 (D) not less than 15 years and not more than
15 60 years with respect to 900 grams or more of any
16 substance containing methamphetamine or any salt of
17 an optical isomer of methamphetamine, or an analog
18 thereof.

19 (6.6) (A) not less than 6 years and not more than
20 30 years for the possession of any methamphetamine
21 manufacturing chemical set forth in paragraph (z-1)
22 of Section 102 with intent to manufacture 30 grams
23 or more but less than 150 grams of any substance
24 containing methamphetamine, or salt of any optical
25 isomer of methamphetamine, or an analog thereof;

26 (B) not less than 6 years and not more than 40
27 years for the possession of any methamphetamine
28 manufacturing chemical set forth in paragraph (z-1)
29 of Section 102 with intent to manufacture 150 grams
30 or more but less than 500 grams of any substance
31 containing methamphetamine, or salt of an optical
32 isomer of methamphetamine, or an analog thereof;

33 (C) not less than 6 years and not more than 50
34 years for the possession of any methamphetamine

1 manufacturing chemical set forth in paragraph (z-1)
2 of Section 102 with intent to manufacture 500 grams
3 or more but less than 1200 grams of any substance
4 containing methamphetamine, or salt of an optical
5 isomer of methamphetamine, or an analog thereof;

6 (D) not less than 6 years and not more than 60
7 years for the possession of any methamphetamine
8 manufacturing chemical set forth in paragraph (z-1)
9 of Section 102 with intent to manufacture 1200 grams
10 or more of any substance containing methamphetamine,
11 or salt of an optical isomer of methamphetamine, or
12 an analog thereof;

13 (7) (A) not less than 6 years and not more than 30
14 years with respect to: (i) 15 grams or more but less
15 than 100 grams of a substance containing lysergic
16 acid diethylamide (LSD), or an analog thereof, or
17 (ii) 15 or more objects or 15 or more segregated
18 parts of an object or objects but less than 200
19 objects or 200 segregated parts of an object or
20 objects containing in them or having upon them any
21 amounts of any substance containing lysergic acid
22 diethylamide (LSD), or an analog thereof;

23 (B) not less than 9 years and not more than 40
24 years with respect to: (i) 100 grams or more but
25 less than 400 grams of a substance containing
26 lysergic acid diethylamide (LSD), or an analog
27 thereof, or (ii) 200 or more objects or 200 or more
28 segregated parts of an object or objects but less
29 than 600 objects or less than 600 segregated parts
30 of an object or objects containing in them or having
31 upon them any amount of any substance containing
32 lysergic acid diethylamide (LSD), or an analog
33 thereof;

34 (C) not less than 12 years and not more than

1 50 years with respect to: (i) 400 grams or more but
2 less than 900 grams of a substance containing
3 lysergic acid diethylamide (LSD), or an analog
4 thereof, or (ii) 600 or more objects or 600 or more
5 segregated parts of an object or objects but less
6 than 1500 objects or 1500 segregated parts of an
7 object or objects containing in them or having upon
8 them any amount of any substance containing lysergic
9 acid diethylamide (LSD), or an analog thereof;

10 (D) not less than 15 years and not more than
11 60 years with respect to: (i) 900 grams or more of
12 any substance containing lysergic acid diethylamide
13 (LSD), or an analog thereof, or (ii) 1500 or more
14 objects or 1500 or more segregated parts of an
15 object or objects containing in them or having upon
16 them any amount of a substance containing lysergic
17 acid diethylamide (LSD), or an analog thereof;

18 (8) 30 grams or more of any substance containing
19 pentazocine or any of the salts, isomers and salts of
20 isomers of pentazocine, or an analog thereof;

21 (9) 30 grams or more of any substance containing
22 methaqualone or any of the salts, isomers and salts of
23 isomers of methaqualone, or an analog thereof;

24 (10) 30 grams or more of any substance
25 containing phencyclidine or any of the salts, isomers
26 and salts of isomers of phencyclidine (PCP), or an
27 analog thereof;

28 (10.5) 30 grams or more of any substance containing
29 ketamine or any of the salts, isomers and salts of
30 isomers of ketamine, or an analog thereof;

31 (11) 200 grams or more of any substance containing
32 any other controlled substance classified in Schedules I
33 or II, or an analog thereof, which is not otherwise
34 included in this subsection.

1 (b) Any person sentenced with respect to violations of
2 paragraph (1), (2), (3), (6.5), (6.6), or (7) of subsection
3 (a) involving 100 grams or more of the controlled substance
4 named therein, may in addition to the penalties provided
5 therein, be fined an amount not more than \$500,000 or the
6 full street value of the controlled or counterfeit substance
7 or controlled substance analog, whichever is greater. The
8 term "street value" shall have the meaning ascribed in
9 Section 110-5 of the Code of Criminal Procedure of 1963. Any
10 person sentenced with respect to any other provision of
11 subsection (a), may in addition to the penalties provided
12 therein, be fined an amount not to exceed \$500,000.

13 (c) Any person who violates this Section with regard to
14 the following amounts of controlled or counterfeit substances
15 or controlled substance analogs, notwithstanding any of the
16 provisions of subsections (a), (b), (d), (e), (f), (g) or (h)
17 to the contrary, is guilty of a Class 1 felony. The fine for
18 violation of this subsection (c) shall not be more than
19 \$250,000:

20 (1) 10 or more grams but less than 15 grams of any
21 substance containing heroin, or an analog thereof;

22 (2) 1 gram or more but less than 15 grams of any
23 substance containing cocaine, or an analog thereof;

24 (3) 10 grams or more but less than 15 grams of any
25 substance containing morphine, or an analog thereof;

26 (4) 50 grams or more but less than 200 grams of any
27 substance containing peyote, or an analog thereof;

28 (5) 50 grams or more but less than 200 grams of any
29 substance containing a derivative of barbituric acid or
30 any of the salts of a derivative of barbituric acid, or
31 an analog thereof;

32 (6) 50 grams or more but less than 200 grams of any
33 substance containing amphetamine or any salt of an
34 optical isomer of amphetamine, or an analog thereof;

1 (6.5) 5 grams or more but less than 15 grams of any
2 substance containing methamphetamine or any salt or
3 optical isomer of methamphetamine, or an analog thereof;

4 (7) (i) 5 grams or more but less than 15 grams of
5 any substance containing lysergic acid diethylamide
6 (LSD), or an analog thereof, or (ii) more than 10 objects
7 or more than 10 segregated parts of an object or objects
8 but less than 15 objects or less than 15 segregated parts
9 of an object containing in them or having upon them any
10 amount of any substance containing lysergic acid
11 diethylamide (LSD), or an analog thereof;

12 (8) 10 grams or more but less than 30 grams of any
13 substance containing pentazocine or any of the salts,
14 isomers and salts of isomers of pentazocine, or an analog
15 thereof;

16 (9) 10 grams or more but less than 30 grams of any
17 substance containing methaqualone or any of the salts,
18 isomers and salts of isomers of methaqualone, or an
19 analog thereof;

20 (10) 10 grams or more but less than 30 grams of any
21 substance containing phencyclidine or any of the salts,
22 isomers and salts of isomers of phencyclidine (PCP), or
23 an analog thereof;

24 (10.5) 10 grams or more but less than 30 grams of
25 any substance containing ketamine or any of the salts,
26 isomers and salts of isomers of ketamine, or an analog
27 thereof;

28 (11) 50 grams or more but less than 200 grams of
29 any substance containing a substance classified in
30 Schedules I or II, or an analog thereof, which is not
31 otherwise included in this subsection.

32 (c-5) Any person who violates this Section with regard
33 to possession of any methamphetamine manufacturing chemical
34 set forth in paragraph (z-1) of Section 102 with intent to

1 manufacture 15 grams or more but less than 30 grams of
2 methamphetamine, or salt of an optical isomer of
3 methamphetamine or any analog thereof, is guilty of a Class 1
4 felony. The fine for violation of this subsection (c-5)
5 shall not be more than \$250,000.

6 (d) Any person who violates this Section with regard to
7 any other amount of a controlled or counterfeit substance
8 classified in Schedules I or II, or an analog thereof, which
9 is (i) a narcotic drug, (ii) lysergic acid diethylamide (LSD)
10 or an analog thereof, or (iii) any substance containing
11 amphetamine or methamphetamine or any salt or optical isomer
12 of amphetamine or methamphetamine, or an analog thereof, is
13 guilty of a Class 2 felony. The fine for violation of this
14 subsection (d) shall not be more than \$200,000.

15 (d-5) Any person who violates this Section with regard
16 to possession of any methamphetamine manufacturing chemical
17 set forth in paragraph (z-1) of Section 102 with intent to
18 manufacture less than 15 grams of methamphetamine, or salt of
19 an optical isomer of methamphetamine or any analog thereof,
20 is guilty of a Class 2 felony. The fine for violation of
21 this subsection (d-5) shall not be more than \$200,000.

22 (e) Any person who violates this Section with regard to
23 any other amount of a controlled or counterfeit substance
24 classified in Schedule I or II, or an analog thereof, which
25 substance is not included under subsection (d) of this
26 Section, is guilty of a Class 3 felony. The fine for
27 violation of this subsection (e) shall not be more than
28 \$150,000.

29 (f) Any person who violates this Section with regard to
30 any other amount of a controlled or counterfeit substance
31 classified in Schedule III is guilty of a Class 3 felony. The
32 fine for violation of this subsection (f) shall not be more
33 than \$125,000.

34 (g) Any person who violates this Section with regard to

1 any other amount of a controlled or counterfeit substance
2 classified in Schedule IV is guilty of a Class 3 felony. The
3 fine for violation of this subsection (g) shall not be more
4 than \$100,000.

5 (h) Any person who violates this Section with regard to
6 any other amount of a controlled or counterfeit substance
7 classified in Schedule V is guilty of a Class 3 felony. The
8 fine for violation of this subsection (h) shall not be more
9 than \$75,000.

10 (i) This Section does not apply to the manufacture,
11 possession or distribution of a substance in conformance with
12 the provisions of an approved new drug application or an
13 exemption for investigational use within the meaning of
14 Section 505 of the Federal Food, Drug and Cosmetic Act.

15 (Source: P.A. 90-382, eff. 8-15-97; 90-593, eff. 6-19-98;
16 90-674, eff. 1-1-99; 91-336, eff. 1-1-00; 91-357, eff.
17 7-29-99; 91-403, eff. 1-1-00; revised 8-30-99.)

18 (720 ILCS 570/407) (from Ch. 56 1/2, par. 1407)

19 Sec. 407. (a) (1) Any person 18 years of age or over who
20 violates any subsection of Section 401 or subsection (b) of
21 Section 404 by delivering a controlled, counterfeit or
22 look-alike substance to a person under 18 years of age may be
23 sentenced to imprisonment for a term up to twice the maximum
24 term and fined an amount up to twice that amount otherwise
25 authorized by the pertinent subsection of Section 401 and
26 Subsection (b) of Section 404.

27 (2) Except as provided in paragraph (3) of this
28 subsection, any person who violates:

29 (A) subsection (c) of Section 401 by delivering or
30 possessing with intent to deliver a controlled,
31 counterfeit, or look-alike substance in or on, or within
32 1,000 feet of, a truck stop or safety rest area, is
33 guilty of a Class 1 felony, the fine for which shall not

1 exceed \$250,000;

2 (B) subsection (d) of Section 401 by delivering or
3 possessing with intent to deliver a controlled,
4 counterfeit, or look-alike substance in or on, or within
5 1,000 feet of, a truck stop or safety rest area, is
6 guilty of a Class 2 felony, the fine for which shall not
7 exceed \$200,000;

8 (C) subsection (e) of Section 401 or subsection (b)
9 of Section 404 by delivering or possessing with intent to
10 deliver a controlled, counterfeit, or look-alike
11 substance in or on, or within 1,000 feet of, a truck stop
12 or safety rest area, is guilty of a Class 3 felony, the
13 fine for which shall not exceed \$150,000;

14 (D) subsection (f) of Section 401 by delivering or
15 possessing with intent to deliver a controlled,
16 counterfeit, or look-alike substance in or on, or within
17 1,000 feet of, a truck stop or safety rest area, is
18 guilty of a Class 3 felony, the fine for which shall not
19 exceed \$125,000;

20 (E) subsection (g) of Section 401 by delivering or
21 possessing with intent to deliver a controlled,
22 counterfeit, or look-alike substance in or on, or within
23 1,000 feet of, a truck stop or safety rest area, is
24 guilty of a Class 3 felony, the fine for which shall not
25 exceed \$100,000;

26 (F) subsection (h) of Section 401 by delivering or
27 possessing with intent to deliver a controlled,
28 counterfeit, or look-alike substance in or on, or within
29 1,000 feet of, a truck stop or safety rest area, is
30 guilty of a Class 3 felony, the fine for which shall not
31 exceed \$75,000;

32 (3) Any person who violates paragraph (2) of this
33 subsection (a) by delivering or possessing with intent to
34 deliver a controlled, counterfeit, or look-alike substance in

1 or on, or within 1,000 feet of a truck stop or a safety rest
2 area, following a prior conviction or convictions of
3 paragraph (2) of this subsection (a) may be sentenced to a
4 term of imprisonment up to 2 times the maximum term and fined
5 an amount up to 2 times the amount otherwise authorized by
6 Section 401.

7 (4) For the purposes of this subsection (a):

8 (A) "Safety rest area" means a roadside facility
9 removed from the roadway with parking and facilities
10 designed for motorists' rest, comfort, and information
11 needs; and

12 (B) "Truck stop" means any facility (and its
13 parking areas) used to provide fuel or service, or both,
14 to any commercial motor vehicle as defined in Section
15 18b-101 of the Illinois Vehicle Code.

16 (b) Any person who violates:

17 (1) subsection (c) of Section 401 in any school, or
18 any conveyance owned, leased or contracted by a school to
19 transport students to or from school or a school related
20 activity, or residential property owned, operated or
21 managed by a public housing agency or leased by a public
22 housing agency as part of a scattered site or
23 mixed-income development, or public park, on the real
24 property comprising any school or residential property
25 owned, operated or managed by a public housing agency or
26 leased by a public housing agency as part of a scattered
27 site or mixed-income development, or public park or
28 within 1,000 feet of the real property comprising any
29 school or residential property owned, operated or managed
30 by a public housing agency or leased by a public housing
31 agency as part of a scattered site or mixed-income
32 development, or public park, on the real property
33 comprising any church, synagogue, or other building,
34 structure, or place used primarily for religious worship,

1 or within 1,000 feet of the real property comprising any
2 church, synagogue, or other building, structure, or place
3 used primarily for religious worship, on the real
4 property comprising any of the following places,
5 buildings, or structures used primarily for housing or
6 providing space for activities for senior citizens:
7 nursing homes, assisted-living centers, senior citizen
8 housing complexes, or senior centers oriented toward
9 daytime activities, or within 1,000 feet of the real
10 property comprising any of the following places,
11 buildings, or structures used primarily for housing or
12 providing space for activities for senior citizens:
13 nursing homes, assisted-living centers, senior citizen
14 housing complexes, or senior centers oriented toward
15 daytime activities is guilty of a Class X felony, the
16 fine for which shall not exceed \$500,000;

17 (2) subsection (d) of Section 401 in any school, or
18 any conveyance owned, leased or contracted by a school to
19 transport students to or from school or a school related
20 activity, or residential property owned, operated or
21 managed by a public housing agency or leased by a public
22 housing agency as part of a scattered site or
23 mixed-income development, or public park, on the real
24 property comprising any school or residential property
25 owned, operated or managed by a public housing agency or
26 leased by a public housing agency as part of a scattered
27 site or mixed-income development, or public park or
28 within 1,000 feet of the real property comprising any
29 school or residential property owned, operated or managed
30 by a public housing agency or leased by a public housing
31 agency as part of a scattered site or mixed-income
32 development, or public park, on the real property
33 comprising any church, synagogue, or other building,
34 structure, or place used primarily for religious worship,

1 or within 1,000 feet of the real property comprising any
2 church, synagogue, or other building, structure, or place
3 used primarily for religious worship, on the real
4 property comprising any of the following places,
5 buildings, or structures used primarily for housing or
6 providing space for activities for senior citizens:
7 nursing homes, assisted-living centers, senior citizen
8 housing complexes, or senior centers oriented toward
9 daytime activities, or within 1,000 feet of the real
10 property comprising any of the following places,
11 buildings, or structures used primarily for housing or
12 providing space for activities for senior citizens:
13 nursing homes, assisted-living centers, senior citizen
14 housing complexes, or senior centers oriented toward
15 daytime activities is guilty of a Class 1 felony, the
16 fine for which shall not exceed \$250,000;

17 (3) subsection (e) of Section 401 or Subsection (b)
18 of Section 404 in any school, or any conveyance owned,
19 leased or contracted by a school to transport students to
20 or from school or a school related activity, or
21 residential property owned, operated or managed by a
22 public housing agency or leased by a public housing
23 agency as part of a scattered site or mixed-income
24 development, or public park, on the real property
25 comprising any school or residential property owned,
26 operated or managed by a public housing agency or leased
27 by a public housing agency as part of a scattered site or
28 mixed-income development, or public park or within 1,000
29 feet of the real property comprising any school or
30 residential property owned, operated or managed by a
31 public housing agency or leased by a public housing
32 agency as part of a scattered site or mixed-income
33 development, or public park, on the real property
34 comprising any church, synagogue, or other building,

1 structure, or place used primarily for religious worship,
2 or within 1,000 feet of the real property comprising any
3 church, synagogue, or other building, structure, or place
4 used primarily for religious worship, on the real
5 property comprising any of the following places,
6 buildings, or structures used primarily for housing or
7 providing space for activities for senior citizens:
8 nursing homes, assisted-living centers, senior citizen
9 housing complexes, or senior centers oriented toward
10 daytime activities, or within 1,000 feet of the real
11 property comprising any of the following places,
12 buildings, or structures used primarily for housing or
13 providing space for activities for senior citizens:
14 nursing homes, assisted-living centers, senior citizen
15 housing complexes, or senior centers oriented toward
16 daytime activities is guilty of a Class 2 felony, the
17 fine for which shall not exceed \$200,000;

18 (4) subsection (f) of Section 401 in any school, or
19 any conveyance owned, leased or contracted by a school to
20 transport students to or from school or a school related
21 activity, or residential property owned, operated or
22 managed by a public housing agency or leased by a public
23 housing agency as part of a scattered site or
24 mixed-income development, or public park, on the real
25 property comprising any school or residential property
26 owned, operated or managed by a public housing agency or
27 leased by a public housing agency as part of a scattered
28 site or mixed-income development, or public park or
29 within 1,000 feet of the real property comprising any
30 school or residential property owned, operated or managed
31 by a public housing agency or leased by a public housing
32 agency as part of a scattered site or mixed-income
33 development, or public park, on the real property
34 comprising any church, synagogue, or other building,

1 structure, or place used primarily for religious worship,
2 or within 1,000 feet of the real property comprising any
3 church, synagogue, or other building, structure, or place
4 used primarily for religious worship, on the real
5 property comprising any of the following places,
6 buildings, or structures used primarily for housing or
7 providing space for activities for senior citizens:
8 nursing homes, assisted-living centers, senior citizen
9 housing complexes, or senior centers oriented toward
10 daytime activities, or within 1,000 feet of the real
11 property comprising any of the following places,
12 buildings, or structures used primarily for housing or
13 providing space for activities for senior citizens:
14 nursing homes, assisted-living centers, senior citizen
15 housing complexes, or senior centers oriented toward
16 daytime activities is guilty of a Class 2 felony, the
17 fine for which shall not exceed \$150,000;

18 (5) subsection (g) of Section 401 in any school, or
19 any conveyance owned, leased or contracted by a school to
20 transport students to or from school or a school related
21 activity, or residential property owned, operated or
22 managed by a public housing agency or leased by a public
23 housing agency as part of a scattered site or
24 mixed-income development, or public park, on the real
25 property comprising any school or residential property
26 owned, operated or managed by a public housing agency or
27 leased by a public housing agency as part of a scattered
28 site or mixed-income development, or public park or
29 within 1,000 feet of the real property comprising any
30 school or residential property owned, operated or managed
31 by a public housing agency or leased by a public housing
32 agency as part of a scattered site or mixed-income
33 development, or public park, on the real property
34 comprising any church, synagogue, or other building,

1 structure, or place used primarily for religious worship,
2 or within 1,000 feet of the real property comprising any
3 church, synagogue, or other building, structure, or place
4 used primarily for religious worship, on the real
5 property comprising any of the following places,
6 buildings, or structures used primarily for housing or
7 providing space for activities for senior citizens:
8 nursing homes, assisted-living centers, senior citizen
9 housing complexes, or senior centers oriented toward
10 daytime activities, or within 1,000 feet of the real
11 property comprising any of the following places,
12 buildings, or structures used primarily for housing or
13 providing space for activities for senior citizens:
14 nursing homes, assisted-living centers, senior citizen
15 housing complexes, or senior centers oriented toward
16 daytime activities is guilty of a Class 2 felony, the
17 fine for which shall not exceed \$125,000;

18 (6) subsection (h) of Section 401 in any school, or
19 any conveyance owned, leased or contracted by a school to
20 transport students to or from school or a school related
21 activity, or residential property owned, operated or
22 managed by a public housing agency or leased by a public
23 housing agency as part of a scattered site or
24 mixed-income development, or public park, on the real
25 property comprising any school or residential property
26 owned, operated or managed by a public housing agency or
27 leased by a public housing agency as part of a scattered
28 site or mixed-income development, or public park or
29 within 1,000 feet of the real property comprising any
30 school or residential property owned, operated or managed
31 by a public housing agency or leased by a public housing
32 agency as part of a scattered site or mixed-income
33 development, or public park, on the real property
34 comprising any church, synagogue, or other building,

1 structure, or place used primarily for religious worship,
2 or within 1,000 feet of the real property comprising any
3 church, synagogue, or other building, structure, or place
4 used primarily for religious worship, on the real
5 property comprising any of the following places,
6 buildings, or structures used primarily for housing or
7 providing space for activities for senior citizens:
8 nursing homes, assisted-living centers, senior citizen
9 housing complexes, or senior centers oriented toward
10 daytime activities, or within 1,000 feet of the real
11 property comprising any of the following places,
12 buildings, or structures used primarily for housing or
13 providing space for activities for senior citizens:
14 nursing homes, assisted-living centers, senior citizen
15 housing complexes, or senior centers oriented toward
16 daytime activities is guilty of a Class 2 felony, the
17 fine for which shall not exceed \$100,000.

18 (c) Regarding penalties prescribed in subsection (b) for
19 violations committed in a school or on or within 1,000 feet
20 of school property, the time of day, time of year and whether
21 classes were currently in session at the time of the offense
22 is irrelevant.

23 (Source: P.A. 89-451, eff. 1-1-97; 90-164, eff. 1-1-98;
24 91-353, eff. 1-1-00; 91-673, eff. 12-22-99; revised 1-12-00.)

25 Section 90. The Code of Criminal Procedure of 1963 is
26 amended by changing Sections 110-7 and 114-1 as follows:

27 (725 ILCS 5/110-7) (from Ch. 38, par. 110-7)

28 Sec. 110-7. Deposit of Bail Security.

29 (a) The person for whom bail has been set shall execute
30 the bail bond and deposit with the clerk of the court before
31 which the proceeding is pending a sum of money equal to 10%
32 of the bail, but in no event shall such deposit be less than

1 \$25. The clerk of the court shall provide a space on each
2 form for a person other than the accused who has provided the
3 money for the posting of bail to so indicate and a space
4 signed by an accused who has executed the bail bond
5 indicating whether a person other than the accused has
6 provided the money for the posting of bail. The form shall
7 also include a written notice to such person who has provided
8 the defendant with the money for the posting of bail
9 indicating that the bail may be used to pay costs, attorney's
10 fees, fines, or other purposes authorized by the court and if
11 the defendant fails to comply with the conditions of the bail
12 bond, the court shall enter an order declaring the bail to be
13 forfeited. The written notice must be: (1) distinguishable
14 from the surrounding text; (2) in bold type or underscored;
15 and (3) in a type size at least 2 points larger than the
16 surrounding type. When a person for whom bail has been set
17 is charged with an offense under the "Illinois Controlled
18 Substances Act" which is a Class X felony, the court may
19 require the defendant to deposit a sum equal to 100% of the
20 bail. Where any person is charged with a forcible felony
21 while free on bail and is the subject of proceedings under
22 Section 109-3 of this Code the judge conducting the
23 preliminary examination may also conduct a hearing upon the
24 application of the State pursuant to the provisions of
25 Section 110-6 of this Code to increase or revoke the bail for
26 that person's prior alleged offense.

27 (b) Upon depositing this sum and any bond fee authorized
28 by law, the person shall be released from custody subject to
29 the conditions of the bail bond.

30 (c) Once bail has been given and a charge is pending or
31 is thereafter filed in or transferred to a court of competent
32 jurisdiction the latter court shall continue the original
33 bail in that court subject to the provisions of Section 110-6
34 of this Code.

1 (d) After conviction the court may order that the
2 original bail stand as bail pending appeal or deny, increase
3 or reduce bail subject to the provisions of Section 110-6.2.

4 (e) After the entry of an order by the trial court
5 allowing or denying bail pending appeal either party may
6 apply to the reviewing court having jurisdiction or to a
7 justice thereof sitting in vacation for an order increasing
8 or decreasing the amount of bail or allowing or denying bail
9 pending appeal subject to the provisions of Section 110-6.2.

10 (f) When the conditions of the bail bond have been
11 performed and the accused has been discharged from all
12 obligations in the cause the clerk of the court shall return
13 to the accused or to the defendant's designee by an
14 assignment executed at the time the bail amount is deposited,
15 unless the court orders otherwise, 90% of the sum which had
16 been deposited and shall retain as bail bond costs 10% of the
17 amount deposited. However, in no event shall the amount
18 retained by the clerk as bail bond costs be less than \$5.
19 Bail bond deposited by or on behalf of a defendant in one
20 case may be used, in the court's discretion, to satisfy
21 financial obligations of that same defendant incurred in a
22 different case due to a fine, court costs, restitution or
23 fees of the defendant's attorney of record. The court shall
24 not order bail bond deposited by or on behalf of a defendant
25 in one case to be used to satisfy financial obligations of
26 that same defendant in a different case until the bail bond
27 is first used to satisfy court costs in the case in which the
28 bail bond has been deposited.

29 At the request of the defendant the court may order such
30 90% of defendant's bail deposit, or whatever amount is
31 repayable to defendant from such deposit, to be paid to
32 defendant's attorney of record.

33 (g) If the accused does not comply with the conditions
34 of the bail bond the court having jurisdiction shall enter an

1 order declaring the bail to be forfeited. Notice of such
2 order of forfeiture shall be mailed forthwith to the accused
3 at his last known address. If the accused does not appear
4 and surrender to the court having jurisdiction within 30 days
5 from the date of the forfeiture or within such period satisfy
6 the court that appearance and surrender by the accused is
7 impossible and without his fault the court shall enter
8 judgment for the State if the charge for which the bond was
9 given was a felony or misdemeanor, or if the charge was
10 quasi-criminal or traffic, judgment for the political
11 subdivision of the State which prosecuted the case, against
12 the accused for the amount of the bail and costs of the court
13 proceedings; however, in counties with a population of less
14 than 3,000,000, instead of the court entering a judgment for
15 the full amount of the bond the court may, in its discretion,
16 enter judgment for the cash deposit on the bond, less costs,
17 retain the deposit for further disposition or, if a cash bond
18 was posted for failure to appear in a matter involving
19 enforcement of child support or maintenance, the amount of
20 the cash deposit on the bond, less outstanding costs, may be
21 awarded to the person or entity to whom the child support or
22 maintenance is due. The deposit made in accordance with
23 paragraph (a) shall be applied to the payment of costs. If
24 judgment is entered and any amount of such deposit remains
25 after the payment of costs it shall be applied to payment of
26 the judgment and transferred to the treasury of the municipal
27 corporation wherein the bond was taken if the offense was a
28 violation of any penal ordinance of a political subdivision
29 of this State, or to the treasury of the county wherein the
30 bond was taken if the offense was a violation of any penal
31 statute of this State. The balance of the judgment may be
32 enforced and collected in the same manner as a judgment
33 entered in a civil action.

34 (h) After a judgment for a fine and court costs or

1 either is entered in the prosecution of a cause in which a
2 deposit had been made in accordance with paragraph (a) the
3 balance of such deposit, after deduction of bail bond costs,
4 shall be applied to the payment of the judgment.

5 (Source: P.A. 91-94, eff. 1-1-00; 91-183, eff. 1-1-00;
6 revised 10-7-99.)

7 (725 ILCS 5/114-1) (from Ch. 38, par. 114-1)

8 Sec. 114-1. Motion to dismiss charge.

9 (a) Upon the written motion of the defendant made prior
10 to trial before or after a plea has been entered the court
11 may dismiss the indictment, information or complaint upon any
12 of the following grounds:

13 (1) The defendant has not been placed on trial in
14 compliance with Section 103-5 of this Code.†

15 (2) The prosecution of the offense is barred by
16 Sections 3-3 through 3-8 of the "Criminal Code of 1961"
17 approved--July--28,--1961, as heretofore and hereafter
18 amended.†

19 (3) The defendant has received immunity from
20 prosecution for the offense charged.†

21 (4) The indictment was returned by a Grand Jury
22 which was improperly selected and which results in
23 substantial injustice to the defendant.†

24 (5) The indictment was returned by a Grand Jury
25 which acted contrary to Article 112 of this Code and
26 which results in substantial injustice to the defendant.†

27 (6) The court in which the charge has been filed
28 does not have jurisdiction.†

29 (7) The county is an improper place of trial.†

30 (8) The charge does not state an offense.†

31 (9) The indictment is based solely upon the
32 testimony of an incompetent witness.†

33 (10) The defendant is misnamed in the charge and

1 the misnomer results in substantial injustice to the
2 defendant.

3 (11) The requirements of Section 109-3.1 have not
4 been complied with.

5 (b) The court shall require any motion to dismiss to be
6 filed within a reasonable time after the defendant has been
7 arraigned. Any motion not filed within such time or an
8 extension thereof shall not be considered by the court and
9 the grounds therefor, except as to subsections (a)(6) and
10 (a)(8) of this Section, are waived.

11 (c) If the motion presents only an issue of law the
12 court shall determine it without the necessity of further
13 pleadings. If the motion alleges facts not of record in the
14 case the State shall file an answer admitting or denying each
15 of the factual allegations of the motion.

16 (d) When an issue of fact is presented by a motion to
17 dismiss and the answer of the State the court shall conduct a
18 hearing and determine the issues.

19 (d-5) When a defendant seeks dismissal of the charge
20 upon the ground set forth in subsection (a)(7) of this
21 Section, the defendant shall make a prima facie showing that
22 the county is an improper place of trial. Upon such showing,
23 the State shall have the burden of proving, by a
24 preponderance of the evidence, that the county is the proper
25 place of trial.

26 (e) Dismissal of the charge upon the grounds set forth
27 in subsections (a)(4) through (a)(11) of this Section shall
28 not prevent the return of a new indictment or the filing of a
29 new charge, and upon such dismissal the court may order that
30 the defendant be held in custody or, if the defendant he had
31 been previously released on bail, that the his bail be
32 continued for a specified time pending the return of a new
33 indictment or the filing of a new charge.

34 (f) If the court determines that the motion to dismiss

1 based upon the grounds set forth in subsections (a)(6) and
2 (a)(7) is well founded it may, instead of dismissal, order
3 the cause transferred to a court of competent jurisdiction or
4 to a proper place of trial.

5 (Source: P.A. 89-288, eff. 8-11-95; revised 2-23-00.)

6 Section 90.5. The Sexually Violent Persons Commitment
7 Act is amended by changing Section 15 as follows:

8 (725 ILCS 207/15)

9 Sec. 15. Sexually violent person petition; contents;
10 filing.

11 (a) A petition alleging that a person is a sexually
12 violent person may be filed by:

13 (1) The Attorney General, at the request of the
14 agency with jurisdiction over the person, as defined in
15 subsection (a) of Section 10 of this Act, or on his or
16 her own motion. If the Attorney General, after
17 consulting with and advising the State's Attorney of the
18 county referenced in paragraph (a)(2) of this Section,
19 decides to file a petition under this Section, he or she
20 shall file the petition before the date of the release or
21 discharge of the person or within 30 days of placement
22 onto parole or mandatory supervised release for an
23 offense enumerated in paragraph (e) of Section 5 of this
24 Act.

25 (2) If the Attorney General does not file a
26 petition under this Section, the State's Attorney of the
27 county in which the person was convicted of a sexually
28 violent offense, adjudicated delinquent for a sexually
29 violent offense or found not guilty of or not responsible
30 for a sexually violent offense by reason of insanity,
31 mental disease, or mental defect may file a petition.

32 (3) The Attorney General and the State's Attorney

1 referenced in paragraph (a)(2) of this Section jointly.

2 (b) A petition filed under this Section shall allege
3 that all of the following apply to the person alleged to be a
4 sexually violent person:

5 (1) The person satisfies any of the following
6 criteria:

7 (A) The person has been convicted of a
8 sexually violent offense;

9 (B) The person has been found delinquent for a
10 sexually violent offense; or

11 (C) The person has been found not guilty of a
12 sexually violent offense by reason of insanity,
13 mental disease, or mental defect.

14 (2) (Blank;)_.

15 (3) (Blank;)_.

16 (4) The person has a mental disorder.

17 (5) The person is dangerous to others because the
18 person's mental disorder creates a substantial
19 probability that he or she will engage in acts of sexual
20 violence.

21 (b-5) The petition must be filed:

22 (1) No more than 90 days before discharge or entry
23 into mandatory supervised release from a Department of
24 Corrections correctional facility for a sentence that was
25 imposed upon a conviction for a sexually violent offense,
26 or for a sentence that is being served concurrently or
27 consecutively with a sexually violent offense, and no
28 more than 30 days after the person's entry into parole or
29 mandatory supervised release; or

30 (2) No more than 90 days before discharge or
31 release:

32 (A) from a Department of Corrections juvenile
33 correctional facility if the person was placed in
34 the facility for being adjudicated delinquent under

1 Section 5-20 of the Juvenile Court Act of 1987 or
2 found guilty under Section 5-620 of that Act on the
3 basis of a sexually violent offense; or

4 (B) from a commitment order that was entered
5 as a result of a sexually violent offense.

6 (c) A petition filed under this Section shall state with
7 particularity essential facts to establish probable cause to
8 believe the person is a sexually violent person. If the
9 petition alleges that a sexually violent offense or act that
10 is a basis for the allegation under paragraph (b)(1) of this
11 Section was an act that was sexually motivated as provided
12 under paragraph (e)(2) of Section 5 of this Act, the petition
13 shall state the grounds on which the offense or act is
14 alleged to be sexually motivated.

15 (d) A petition under this Section shall be filed in
16 either of the following:

17 (1) The circuit court for the county in which the
18 person was convicted of a sexually violent offense,
19 adjudicated delinquent for a sexually violent offense or
20 found not guilty of a sexually violent offense by reason
21 of insanity, mental disease or mental defect.

22 (2) The circuit court for the county in which the
23 person is in custody under a sentence, a placement to a
24 Department of Corrections correctional facility or
25 juvenile correctional facility, or a commitment order.

26 (Source: P.A. 90-40, eff. 1-1-98; 90-793, eff. 8-14-98;
27 91-227, eff. 1-1-00; 91-357, eff. 7-29-99; revised 10-20-00.)

28 Section 91. The Unified Code of Corrections is amended by
29 changing Sections 5-4-3, 5-5-6, 5-8-1, and 5-8-4 as follows:

30 (730 ILCS 5/5-4-3) (from Ch. 38, par. 1005-4-3)

31 Sec. 5-4-3. Persons convicted of, or found delinquent
32 for, qualifying offenses or institutionalized as sexually

1 dangerous; blood specimens; genetic marker groups.

2 (a) Any person convicted of, found guilty under the
3 Juvenile Court Act of 1987 for, or who received a disposition
4 of court supervision for, a qualifying offense or attempt of
5 a qualifying offense, or institutionalized as a sexually
6 dangerous person under the Sexually Dangerous Persons Act, or
7 committed as a sexually violent person under the Sexually
8 Violent Persons Commitment Act shall, regardless of the
9 sentence or disposition imposed, be required to submit
10 specimens of blood to the Illinois Department of State Police
11 in accordance with the provisions of this Section, provided
12 such person is:

13 (1) convicted of a qualifying offense or attempt of
14 a qualifying offense on or after the effective date of
15 this amendatory Act of 1989, and sentenced to a term of
16 imprisonment, periodic imprisonment, fine, probation,
17 conditional discharge or any other form of sentence, or
18 given a disposition of court supervision for the offense,
19 or

20 (1.5) found guilty or given supervision under the
21 Juvenile Court Act of 1987 for a qualifying offense or
22 attempt of a qualifying offense on or after the effective
23 date of this amendatory Act of 1996, or

24 (2) ordered institutionalized as a sexually
25 dangerous person on or after the effective date of this
26 amendatory Act of 1989, or

27 (3) convicted of a qualifying offense or attempt of
28 a qualifying offense before the effective date of this
29 amendatory Act of 1989 and is presently confined as a
30 result of such conviction in any State correctional
31 facility or county jail or is presently serving a
32 sentence of probation, conditional discharge or periodic
33 imprisonment as a result of such conviction, or

34 (4) presently institutionalized as a sexually

1 dangerous person or presently institutionalized as a
2 person found guilty but mentally ill of a sexual offense
3 or attempt to commit a sexual offense; or

4 (4.5) ordered committed as a sexually violent
5 person on or after the effective date of the Sexually
6 Violent Persons Commitment Act; or

7 (5) seeking transfer to or residency in Illinois
8 under Sections 3-3-11 through 3-3-11.5 of the Unified
9 Code of Corrections (Interstate Compact for the
10 Supervision of Parolees and Probationers) or the
11 Interstate Agreements on Sexually Dangerous Persons Act.

12 (a-5) Any person who was otherwise convicted of or
13 received a disposition of court supervision for any other
14 offense under the Criminal Code of 1961 or any offense
15 classified as a felony under Illinois law or who was found
16 guilty or given supervision for such a violation under the
17 Juvenile Court Act of 1987, may, regardless of the sentence
18 imposed, be required by an order of the court to submit
19 specimens of blood to the Illinois Department of State Police
20 in accordance with the provisions of this Section.

21 (b) Any person required by paragraphs (a)(1), (a)(1.5),
22 (a)(2), and (a-5) to provide specimens of blood shall provide
23 specimens of blood within 45 days after sentencing or
24 disposition at a collection site designated by the Illinois
25 Department of State Police.

26 (c) Any person required by paragraphs (a)(3), (a)(4),
27 and (a)(4.5) to provide specimens of blood shall be required
28 to provide such samples prior to final discharge, parole, or
29 release at a collection site designated by the Illinois
30 Department of State Police.

31 (c-5) Any person required by paragraph (a)(5) to provide
32 specimens of blood shall, where feasible, be required to
33 provide the specimens before being accepted for conditioned
34 residency in Illinois under the interstate compact or

1 agreement, but no later than 45 days after arrival in this
2 State.

3 (d) The Illinois Department of State Police shall
4 provide all equipment and instructions necessary for the
5 collection of blood samples. The collection of samples shall
6 be performed in a medically approved manner. Only a
7 physician authorized to practice medicine, a registered nurse
8 or other qualified person trained in venipuncture may
9 withdraw blood for the purposes of this Act. The samples
10 shall thereafter be forwarded to the Illinois Department of
11 State Police, Division of Forensic Services, for analysis and
12 categorizing into genetic marker groupings.

13 (e) The genetic marker groupings shall be maintained by
14 the Illinois Department of State Police, Division of Forensic
15 Services.

16 (f) The genetic marker grouping analysis information
17 obtained pursuant to this Act shall be confidential and shall
18 be released only to peace officers of the United States, of
19 other states or territories, of the insular possessions of
20 the United States, of foreign countries duly authorized to
21 receive the same, to all peace officers of the State of
22 Illinois and to all prosecutorial agencies. Notwithstanding
23 any other statutory provision to the contrary, all
24 information obtained under this Section shall be maintained
25 in a single State data base, which may be uploaded into a
26 national database, and may not be subject to expungement.

27 (g) For the purposes of this Section, "qualifying
28 offense" means any of the following:

29 (1) Any violation or inchoate violation of Section
30 11-6, 11-9.1, 11-11, 11-15.1, 11-17.1, 11-18.1, 11-19.1,
31 11-19.2, 11-20.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, or
32 12-33 of the Criminal Code of 1961, or

33 (1.1) Any violation or inchoate violation of
34 Section 9-1, 9-2, 10-1, 10-2, 12-11, 12-11.1, 18-1, 18-2,

1 18-3, 18-4, 19-1, or 19-2 of the Criminal Code of 1961
2 committed on or after July 1, 2001, or

3 (2) Any former statute of this State which defined
4 a felony sexual offense, or

5 (3) Any violation of paragraph (10) of subsection
6 (b) of Section 10-5 of the Criminal Code of 1961 when the
7 sentencing court, upon a motion by the State's Attorney
8 or Attorney General, makes a finding that the child
9 luring involved an intent to commit sexual penetration or
10 sexual conduct as defined in Section 12-12 of the
11 Criminal Code of 1961.

12 (g-5) The Department of State Police is not required to
13 accept or process blood specimens from individuals convicted
14 of any offense listed in paragraph (1.1) of subsection (g),
15 until acquisition of the resources necessary to process such
16 blood specimens, or until July 1, 2003, whichever is earlier.

17 Upon acquisition of necessary resources, including an
18 appropriation for the purpose of implementing this amendatory
19 Act of the 91st General Assembly, but no later than July 1,
20 2003, the Department of State Police shall notify the
21 Department of Corrections, the Administrative Office of the
22 Illinois Courts, and any other entity deemed appropriate by
23 the Department of State Police, that the Department is
24 prepared to receive and process blood specimens from
25 individuals convicted of offenses enumerated in paragraph
26 (1.1) of subsection (g).

27 (h) The Illinois Department of State Police shall be the
28 State central repository for all genetic marker grouping
29 analysis information obtained pursuant to this Act. The
30 Illinois Department of State Police may promulgate rules for
31 the form and manner of the collection of blood samples and
32 other procedures for the operation of this Act. The
33 provisions of the Administrative Review Law shall apply to
34 all actions taken under the rules so promulgated.

1 (i) A person required to provide a blood specimen shall
2 cooperate with the collection of the specimen and any
3 deliberate act by that person intended to impede, delay or
4 stop the collection of the blood specimen is a Class A
5 misdemeanor.

6 (j) Any person required by subsection (a) to submit
7 specimens of blood to the Illinois Department of State Police
8 for analysis and categorization into genetic marker grouping,
9 in addition to any other disposition, penalty, or fine
10 imposed, shall pay an analysis fee of \$500. Upon verified
11 petition of the person, the court may suspend payment of all
12 or part of the fee if it finds that the person does not have
13 the ability to pay the fee.

14 (k) All analysis and categorization fees provided for by
15 subsection (j) shall be regulated as follows:

16 (1) The State Offender DNA Identification System
17 Fund is hereby created as a special fund in the State
18 Treasury.

19 (2) All fees shall be collected by the clerk of the
20 court and forwarded to the State Offender DNA
21 Identification System Fund for deposit. The clerk of the
22 circuit court may retain the amount of \$10 from each
23 collected analysis fee to offset administrative costs
24 incurred in carrying out the clerk's responsibilities
25 under this Section.

26 (3) Fees deposited into the State Offender DNA
27 Identification System Fund shall be used by Illinois
28 State Police crime laboratories as designated by the
29 Director of State Police. These funds shall be in
30 addition to any allocations made pursuant to existing
31 laws and shall be designated for the exclusive use of
32 State crime laboratories. These uses may include, but
33 are not limited to, the following:

34 (A) Costs incurred in providing analysis and

1 genetic marker categorization as required by
2 subsection (d).

3 (B) Costs incurred in maintaining genetic
4 marker groupings as required by subsection (e).

5 (C) Costs incurred in the purchase and
6 maintenance of equipment for use in performing
7 analyses.

8 (D) Costs incurred in continuing research and
9 development of new techniques for analysis and
10 genetic marker categorization.

11 (E) Costs incurred in continuing education,
12 training, and professional development of forensic
13 scientists regularly employed by these laboratories.

14 (1) ~~(1)~~ The failure of a person to provide a specimen,
15 or of any person or agency to collect a specimen, within the
16 45 day period shall in no way alter the obligation of the
17 person to submit such specimen, or the authority of the
18 Illinois Department of State Police or persons designated by
19 the Department to collect the specimen, or the authority of
20 the Illinois Department of State Police to accept, analyze
21 and maintain the specimen or to maintain or upload results of
22 genetic marker grouping analysis information into a State or
23 national database.

24 (Source: P.A. 90-124, eff. 1-1-98; 90-130, eff. 1-1-98;
25 90-655, eff. 7-30-98; 90-793, eff. 8-14-98; 91-528, eff.
26 1-1-00; revised 6-13-00.)

27 (730 ILCS 5/5-5-6) (from Ch. 38, par. 1005-5-6)

28 Sec. 5-5-6. In all convictions for offenses in violation
29 of the Criminal Code of 1961 in which the person received any
30 injury to their person or damage to their real or personal
31 property as a result of the criminal act of the defendant,
32 the court shall order restitution as provided in this
33 Section. In all other cases, except cases in which

1 restitution is required under this Section, the court must at
2 the sentence hearing determine whether restitution is an
3 appropriate sentence to be imposed on each defendant
4 convicted of an offense. If the court determines that an
5 order directing the offender to make restitution is
6 appropriate, the offender may be sentenced to make
7 restitution. If the offender is sentenced to make
8 restitution the Court shall determine the restitution as
9 hereinafter set forth:

10 (a) At the sentence hearing, the court shall
11 determine whether the property may be restored in kind to
12 the possession of the owner or the person entitled to
13 possession thereof; or whether the defendant is possessed
14 of sufficient skill to repair and restore property
15 damaged; or whether the defendant should be required to
16 make restitution in cash, for out-of-pocket expenses,
17 damages, losses, or injuries found to have been
18 proximately caused by the conduct of the defendant or
19 another for whom the defendant is legally accountable
20 under the provisions of Article V of the Criminal Code of
21 1961.

22 (b) In fixing the amount of restitution to be paid
23 in cash, the court shall allow credit for property
24 returned in kind, for property damages ordered to be
25 repaired by the defendant, and for property ordered to be
26 restored by the defendant; and after granting the credit,
27 the court shall assess the actual out-of-pocket expenses,
28 losses, damages, and injuries suffered by the victim
29 named in the charge and any other victims who may also
30 have suffered out-of-pocket expenses, losses, damages,
31 and injuries proximately caused by the same criminal
32 conduct of the defendant, and insurance carriers who have
33 indemnified the named victim or other victims for the
34 out-of-pocket expenses, losses, damages, or injuries,

1 provided that in no event shall restitution be ordered to
2 be paid on account of pain and suffering. If a defendant
3 is placed on supervision for, or convicted of, domestic
4 battery, the defendant shall be required to pay
5 restitution to any domestic violence shelter in which the
6 victim and any other family or household members lived
7 because of the domestic battery. The amount of the
8 restitution shall equal the actual expenses of the
9 domestic violence shelter in providing housing and any
10 other services for the victim and any other family or
11 household members living at the shelter. If a defendant
12 fails to pay restitution in the manner or within the time
13 period specified by the court, the court may enter an
14 order directing the sheriff to seize any real or personal
15 property of a defendant to the extent necessary to
16 satisfy the order of restitution and dispose of the
17 property by public sale. All proceeds from such sale in
18 excess of the amount of restitution plus court costs and
19 the costs of the sheriff in conducting the sale shall be
20 paid to the defendant. The defendant convicted of
21 domestic battery, if a person under 18 years of age who
22 is the child of the offender or of the victim was present
23 and witnessed the domestic battery of the victim, is
24 liable to pay restitution for the cost of any counseling
25 required for the child at the discretion of the court.

26 (c) In cases where more than one defendant is
27 accountable for the same criminal conduct that results in
28 out-of-pocket expenses, losses, damages, or injuries,
29 each defendant shall be ordered to pay restitution in the
30 amount of the total actual out-of-pocket expenses,
31 losses, damages, or injuries to the victim proximately
32 caused by the conduct of all of the defendants who are
33 legally accountable for the offense.

34 (1) In no event shall the victim be entitled

1 to recover restitution in excess of the actual
2 out-of-pocket expenses, losses, damages, or
3 injuries, proximately caused by the conduct of all
4 of the defendants.

5 (2) As between the defendants, the court may
6 apportion the restitution that is payable in
7 proportion to each co-defendant's culpability in the
8 commission of the offense.

9 (3) In the absence of a specific order
10 apportioning the restitution, each defendant shall
11 bear his pro rata share of the restitution.

12 (4) As between the defendants, each defendant
13 shall be entitled to a pro rata reduction in the
14 total restitution required to be paid to the victim
15 for amounts of restitution actually paid by
16 co-defendants, and defendants who shall have paid
17 more than their pro rata share shall be entitled to
18 refunds to be computed by the court as additional
19 amounts are paid by co-defendants.

20 (d) In instances where a defendant has more than
21 one criminal charge pending against him in a single case,
22 or more than one case, and the defendant stands convicted
23 of one or more charges, a plea agreement negotiated by
24 the State's Attorney and the defendants may require the
25 defendant to make restitution to victims of charges that
26 have been dismissed or which it is contemplated will be
27 dismissed under the terms of the plea agreement, and
28 under the agreement, the court may impose a sentence of
29 restitution on the charge or charges of which the
30 defendant has been convicted that would require the
31 defendant to make restitution to victims of other
32 offenses as provided in the plea agreement.

33 (e) The court may require the defendant to apply
34 the balance of the cash bond, after payment of court

1 costs, and any fine that may be imposed to the payment of
2 restitution.

3 (f) Taking into consideration the ability of the
4 defendant to pay, the court shall determine whether
5 restitution shall be paid in a single payment or in
6 installments, and shall fix a period of time not in
7 excess of 5 years, not including periods of
8 incarceration, within which payment of restitution is to
9 be paid in full. Complete restitution shall be paid in as
10 short a time period as possible. However, if the court
11 deems it necessary and in the best interest of the
12 victim, the court may extend beyond 5 years the period of
13 time within which the payment of restitution is to be
14 paid. If the defendant is ordered to pay restitution and
15 the court orders that restitution is to be paid over a
16 period greater than 6 months, the court shall order that
17 the defendant make monthly payments; the court may waive
18 this requirement of monthly payments only if there is a
19 specific finding of good cause for waiver.

20 (g) The court shall, after determining that the
21 defendant has the ability to pay, require the defendant
22 to pay for the victim's counseling services if:

23 (1) the defendant was convicted of an offense
24 under Sections 11-19.2, 11-20.1, 12-13, 12-14,
25 12-14.1, 12-15 or 12-16 of the Criminal Code of
26 1961, or was charged with such an offense and the
27 charge was reduced to another charge as a result of
28 a plea agreement under subsection (d) of this
29 Section, and

30 (2) the victim was under 18 years of age at
31 the time the offense was committed and requires
32 counseling as a result of the offense.

33 The payments shall be made by the defendant to the
34 clerk of the circuit court and transmitted by the clerk

1 to the appropriate person or agency as directed by the
2 court. The order may require such payments to be made
3 for a period not to exceed 5 years after sentencing, not
4 including periods of incarceration.

5 (h) The judge may enter an order of withholding to
6 collect the amount of restitution owed in accordance with
7 Part 8 of Article XII of the Code of Civil Procedure.

8 (i) A sentence of restitution may be modified or
9 revoked by the court if the offender commits another
10 offense, or the offender fails to make restitution as
11 ordered by the court, but no sentence to make restitution
12 shall be revoked unless the court shall find that the
13 offender has had the financial ability to make
14 restitution, and he has wilfully refused to do so. When
15 the offender's ability to pay restitution was established
16 at the time an order of restitution was entered or
17 modified, or when the offender's ability to pay was based
18 on the offender's willingness to make restitution as part
19 of a plea agreement made at the time the order of
20 restitution was entered or modified, there is a
21 rebuttable presumption that the facts and circumstances
22 considered by the court at the hearing at which the order
23 of restitution was entered or modified regarding the
24 offender's ability or willingness to pay restitution have
25 not materially changed. If the court shall find that the
26 defendant has failed to make restitution and that the
27 failure is not wilful, the court may impose an additional
28 period of time within which to make restitution. The
29 length of the additional period shall not be more than 2
30 years. The court shall retain all of the incidents of
31 the original sentence, including the authority to modify
32 or enlarge the conditions, and to revoke or further
33 modify the sentence if the conditions of payment are
34 violated during the additional period.

1 (j) The procedure upon the filing of a Petition to
 2 Revoke a sentence to make restitution shall be the same
 3 as the procedures set forth in Section 5-6-4 of this Code
 4 governing violation, modification, or revocation of
 5 Probation, of Conditional Discharge, or of Supervision.

6 (k) Nothing contained in this Section shall
 7 preclude the right of any party to proceed in a civil
 8 action to recover for any damages incurred due to the
 9 criminal misconduct of the defendant.

10 (l) Restitution ordered under this Section shall
 11 not be subject to disbursement by the circuit clerk under
 12 Section 27.5 of the Clerks of Courts Act.

13 (m) A restitution order under this Section is a
 14 judgment lien in favor of the victim that:

15 (1) Attaches to the property of the person
 16 subject to the order;

17 (2) May be perfected in the same manner as
 18 provided in Part 3 of Article 9 of the Uniform
 19 Commercial Code;

20 (3) May be enforced to satisfy any payment
 21 that is delinquent under the restitution order by
 22 the person in whose favor the order is issued or the
 23 person's assignee; and

24 (4) Expires in the same manner as a judgment
 25 lien created in a civil proceeding.

26 When a restitution order is issued under this
 27 Section, the issuing court shall send a certified copy of
 28 the order to the clerk of the circuit court in the county
 29 where the charge was filed. Upon receiving the order,
 30 the clerk shall enter and index the order in the circuit
 31 court judgment docket.

32 (n) An order of restitution under this Section does
 33 not bar a civil action for:

34 (1) Damages that the court did not require the

1 person to pay to the victim under the restitution
 2 order but arise from an injury or property damages
 3 that is the basis of restitution ordered by the
 4 court; and

5 (2) Other damages suffered by the victim.

6 The restitution order is not discharged by the completion
 7 of the sentence imposed for the offense.

8 A restitution order under this Section is not discharged
 9 by the liquidation of a person's estate by a receiver. A
 10 restitution order under this Section may be enforced in the
 11 same manner as judgment liens are enforced under Article XII
 12 of the Code of Civil Procedure.

13 The provisions of Section 2-1303 of the Code of Civil
 14 Procedure, providing for interest on judgments, apply to
 15 judgments for restitution entered under this Section.

16 (Source: P.A. 90-465, eff. 1-1-98; 91-153, eff. 1-1-00;
 17 91-262, eff. 1-1-00; 91-420, eff. 1-1-00; revised 9-30-99.)

18 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

19 Sec. 5-8-1. Sentence of Imprisonment for Felony.

20 (a) Except as otherwise provided in the statute defining
 21 the offense, a sentence of imprisonment for a felony shall be
 22 a determinate sentence set by the court under this Section,
 23 according to the following limitations:

24 (1) for first degree murder,

25 (a) a term shall be not less than 20 years and
 26 not more than 60 years, or

27 (b) if the court finds that the murder was
 28 accompanied by exceptionally brutal or heinous
 29 behavior indicative of wanton cruelty or, except as
 30 set forth in subsection (a)(1)(c) of this Section,
 31 that any of the aggravating factors listed in
 32 subsection (b) of Section 9-1 of the Criminal Code
 33 of 1961 are present, the court may sentence the

1 defendant to a term of natural life imprisonment, or
2 (c) the court shall sentence the defendant to
3 a term of natural life imprisonment when the death
4 penalty is not imposed if the defendant,
5 (i) has previously been convicted of
6 first degree murder under any state or federal
7 law, or
8 (ii) is a person who, at the time of the
9 commission of the murder, had attained the age
10 of 17 or more and is found guilty of murdering
11 an individual under 12 years of age; or,
12 irrespective of the defendant's age at the time
13 of the commission of the offense, is found
14 guilty of murdering more than one victim, or
15 (iii) is found guilty of murdering a
16 peace officer or fireman when the peace officer
17 or fireman was killed in the course of
18 performing his official duties, or to prevent
19 the peace officer or fireman from performing
20 his official duties, or in retaliation for the
21 peace officer or fireman performing his
22 official duties, and the defendant knew or
23 should have known that the murdered individual
24 was a peace officer or fireman, or
25 (iv) is found guilty of murdering an
26 employee of an institution or facility of the
27 Department of Corrections, or any similar local
28 correctional agency, when the employee was
29 killed in the course of performing his official
30 duties, or to prevent the employee from
31 performing his official duties, or in
32 retaliation for the employee performing his
33 official duties, or
34 (v) is found guilty of murdering an

1 emergency medical technician - ambulance,
 2 emergency medical technician - intermediate,
 3 emergency medical technician - paramedic,
 4 ambulance driver or other medical assistance or
 5 first aid person while employed by a
 6 municipality or other governmental unit when
 7 the person was killed in the course of
 8 performing official duties or to prevent the
 9 person from performing official duties or in
 10 retaliation for performing official duties and
 11 the defendant knew or should have known that
 12 the murdered individual was an emergency
 13 medical technician - ambulance, emergency
 14 medical technician - intermediate, emergency
 15 medical technician - paramedic, ambulance
 16 driver, or other medical assistant or first aid
 17 personnel, or

18 (vi) is a person who, at the time of the
 19 commission of the murder, had not attained the
 20 age of 17, and is found guilty of murdering a
 21 person under 12 years of age and the murder is
 22 committed during the course of aggravated
 23 criminal sexual assault, criminal sexual
 24 assault, or aggravated kidnaping, or

25 (vii) is found guilty of first degree
 26 murder and the murder was committed by reason
 27 of any person's activity as a community
 28 policing volunteer or to prevent any person
 29 from engaging in activity as a community
 30 policing volunteer. For the purpose of this
 31 Section, "community policing volunteer" has the
 32 meaning ascribed to it in Section 2-3.5 of the
 33 Criminal Code of 1961.

34 For purposes of clause (v), "emergency medical

1 technician - ambulance", "emergency medical
2 technician - intermediate", "emergency medical
3 technician - paramedic", have the meanings ascribed
4 to them in the Emergency Medical Services (EMS)
5 Systems Act.

6 (d) (i) if the person committed the offense
7 while armed with a firearm, 15 years shall be
8 added to the term of imprisonment imposed by
9 the court;

10 (ii) if, during the commission of the
11 offense, the person personally discharged a
12 firearm, 20 years shall be added to the term of
13 imprisonment imposed by the court;

14 (iii) if, during the commission of the
15 offense, the person personally discharged a
16 firearm that proximately caused great bodily
17 harm, permanent disability, permanent
18 disfigurement, or death to another person, 25
19 years or up to a term of natural life shall be
20 added to the term of imprisonment imposed by
21 the court.

22 (1.5) for second degree murder, a term shall be not
23 less than 4 years and not more than 20 years;

24 (2) for a person adjudged a habitual criminal under
25 Article 33B of the Criminal Code of 1961, as amended, the
26 sentence shall be a term of natural life imprisonment;

27 (2.5) for a person convicted under the
28 circumstances described in paragraph (3) of subsection
29 (b) of Section 12-13, paragraph (2) of subsection (d) of
30 Section 12-14, paragraph (1.2) of subsection (b) of
31 Section 12-14.1, or paragraph (2) of subsection (b) of
32 Section 12-14.1 of the Criminal Code of 1961, the
33 sentence shall be a term of natural life imprisonment;

34 (3) except as otherwise provided in the statute

1 defining the offense, for a Class X felony, the sentence
2 shall be not less than 6 years and not more than 30
3 years;

4 (4) for a Class 1 felony, other than second degree
5 murder, the sentence shall be not less than 4 years and
6 not more than 15 years;

7 (5) for a Class 2 felony, the sentence shall be not
8 less than 3 years and not more than 7 years;

9 (6) for a Class 3 felony, the sentence shall be not
10 less than 2 years and not more than 5 years;

11 (7) for a Class 4 felony, the sentence shall be not
12 less than 1 year and not more than 3 years.

13 (b) The sentencing judge in each felony conviction shall
14 set forth his reasons for imposing the particular sentence he
15 enters in the case, as provided in Section 5-4-1 of this
16 Code. Those reasons may include any mitigating or
17 aggravating factors specified in this Code, or the lack of
18 any such circumstances, as well as any other such factors as
19 the judge shall set forth on the record that are consistent
20 with the purposes and principles of sentencing set out in
21 this Code.

22 (c) A motion to reduce a sentence may be made, or the
23 court may reduce a sentence without motion, within 30 days
24 after the sentence is imposed. A defendant's challenge to
25 the correctness of a sentence or to any aspect of the
26 sentencing hearing shall be made by a written motion filed
27 within 30 days following the imposition of sentence.
28 However, the court may not increase a sentence once it is
29 imposed.

30 If a motion filed pursuant to this subsection is timely
31 filed within 30 days after the sentence is imposed, the
32 proponent of the motion shall exercise due diligence in
33 seeking a determination on the motion and the court shall
34 thereafter decide such motion within a reasonable time.

1 If a motion filed pursuant to this subsection is timely
2 filed within 30 days after the sentence is imposed, then for
3 purposes of perfecting an appeal, a final judgment shall not
4 be considered to have been entered until the motion to reduce
5 a sentence has been decided by order entered by the trial
6 court.

7 A motion filed pursuant to this subsection shall not be
8 considered to have been timely filed unless it is filed with
9 the circuit court clerk within 30 days after the sentence is
10 imposed together with a notice of motion, which notice of
11 motion shall set the motion on the court's calendar on a date
12 certain within a reasonable time after the date of filing.

13 (d) Except where a term of natural life is imposed,
14 every sentence shall include as though written therein a term
15 in addition to the term of imprisonment. For those sentenced
16 under the law in effect prior to February 1, 1978, such term
17 shall be identified as a parole term. For those sentenced on
18 or after February 1, 1978, such term shall be identified as a
19 mandatory supervised release term. Subject to earlier
20 termination under Section 3-3-8, the parole or mandatory
21 supervised release term shall be as follows:

22 (1) for first degree murder or a Class X felony, 3
23 years;

24 (2) for a Class 1 felony or a Class 2 felony, 2
25 years;

26 (3) for a Class 3 felony or a Class 4 felony, 1
27 year;

28 (4) if the victim is under 18 years of age, for a
29 second or subsequent offense of criminal sexual assault
30 or aggravated criminal sexual assault, 5 years, at least
31 the first 2 years of which the defendant shall serve in
32 an electronic home detention program under Article 8A of
33 Chapter V of this Code;

34 (5) if the victim is under 18 years of age, for a

1 second or subsequent offense of aggravated criminal
2 sexual abuse or felony criminal sexual abuse, 4 years, at
3 least the first 2 years of which the defendant shall
4 serve in an electronic home detention program under
5 Article 8A of Chapter V of this Code.

6 (e) A defendant who has a previous and unexpired
7 sentence of imprisonment imposed by another state or by any
8 district court of the United States and who, after sentence
9 for a crime in Illinois, must return to serve the unexpired
10 prior sentence may have his sentence by the Illinois court
11 ordered to be concurrent with the prior sentence in the other
12 state. The court may order that any time served on the
13 unexpired portion of the sentence in the other state, prior
14 to his return to Illinois, shall be credited on his Illinois
15 sentence. The other state shall be furnished with a copy of
16 the order imposing sentence which shall provide that, when
17 the offender is released from confinement of the other state,
18 whether by parole or by termination of sentence, the offender
19 shall be transferred by the Sheriff of the committing county
20 to the Illinois Department of Corrections. The court shall
21 cause the Department of Corrections to be notified of such
22 sentence at the time of commitment and to be provided with
23 copies of all records regarding the sentence.

24 (f) A defendant who has a previous and unexpired
25 sentence of imprisonment imposed by an Illinois circuit court
26 for a crime in this State and who is subsequently sentenced
27 to a term of imprisonment by another state or by any district
28 court of the United States and who has served a term of
29 imprisonment imposed by the other state or district court of
30 the United States, and must return to serve the unexpired
31 prior sentence imposed by the Illinois Circuit Court may
32 apply to the court which imposed sentence to have his
33 sentence reduced.

34 The circuit court may order that any time served on the

1 sentence imposed by the other state or district court of the
2 United States be credited on his Illinois sentence. Such
3 application for reduction of a sentence under this
4 subsection (f) shall be made within 30 days after the
5 defendant has completed the sentence imposed by the other
6 state or district court of the United States.

7 (Source: P.A. 90-396, eff. 1-1-98; 90-651, eff. 1-1-99;
8 91-279, eff. 1-1-00; 91-404, eff. 1-1-00; revised 10-14-99.)

9 (730 ILCS 5/5-8-4) (from Ch. 38, par. 1005-8-4)

10 Sec. 5-8-4. Concurrent and Consecutive Terms of
11 Imprisonment.

12 (a) When multiple sentences of imprisonment are imposed
13 on a defendant at the same time, or when a term of
14 imprisonment is imposed on a defendant who is already subject
15 to sentence in this State or in another state, or for a
16 sentence imposed by any district court of the United States,
17 the sentences shall run concurrently or consecutively as
18 determined by the court. When a term of imprisonment is
19 imposed on a defendant by an Illinois circuit court and the
20 defendant is subsequently sentenced to a term of imprisonment
21 by another state or by a district court of the United States,
22 the Illinois circuit court which imposed the sentence may
23 order that the Illinois sentence be made concurrent with the
24 sentence imposed by the other state or district court of the
25 United States. The defendant must apply to the circuit court
26 within 30 days after the defendant's sentence imposed by the
27 other state or district of the United States is finalized.
28 The court shall not impose consecutive sentences for offenses
29 which were committed as part of a single course of conduct
30 during which there was no substantial change in the nature of
31 the criminal objective, unless:

32 (i) one of the offenses for which defendant was
33 convicted was first degree murder or a Class X or Class 1

1 felony and the defendant inflicted severe bodily injury,
2 or

3 (ii) the defendant was convicted of a violation of
4 Section 12-13, 12-14, or 12-14.1 of the Criminal Code of
5 1961, or

6 (iii) the defendant was convicted of armed violence
7 based upon the predicate offense of solicitation of
8 murder, solicitation of murder for hire, heinous battery,
9 aggravated battery of a senior citizen, criminal sexual
10 assault, a violation of subsection (g) of Section 5 of
11 the Cannabis Control Act, cannabis trafficking, a
12 violation of subsection (a) of Section 401 of the
13 Illinois Controlled Substances Act, controlled substance
14 trafficking involving a Class X felony amount of
15 controlled substance under Section 401 of the Illinois
16 Controlled Substances Act, calculated criminal drug
17 conspiracy, or streetgang criminal drug conspiracy,
18 in which event the court shall enter sentences to run
19 consecutively. Sentences shall run concurrently unless
20 otherwise specified by the court.

21 (b) The court shall not impose a consecutive sentence
22 except as provided for in subsection (a) unless, having
23 regard to the nature and circumstances of the offense and the
24 history and character of the defendant, it is of the opinion
25 that such a term is required to protect the public from
26 further criminal conduct by the defendant, the basis for
27 which the court shall set forth in the record; except that no
28 such finding or opinion is required when multiple sentences
29 of imprisonment are imposed on a defendant for offenses that
30 were not committed as part of a single course of conduct
31 during which there was no substantial change in the nature of
32 the criminal objective, and one of the offenses for which the
33 defendant was convicted was first degree murder or a Class X
34 or Class 1 felony and the defendant inflicted severe bodily

1 injury, or when the defendant was convicted of a violation of
2 Section 12-13, 12-14, or 12-14.1 of the Criminal Code of
3 1961, or where the defendant was convicted of armed violence
4 based upon the predicate offense of solicitation of murder,
5 solicitation of murder for hire, heinous battery, aggravated
6 battery of a senior citizen, criminal sexual assault, a
7 violation of subsection (g) of Section 5 of the Cannabis
8 Control Act, cannabis trafficking, a violation of subsection
9 (a) of Section 401 of the Illinois Controlled Substances Act,
10 controlled substance trafficking involving a Class X felony
11 amount of controlled substance under Section 401 of the
12 Illinois Controlled Substances Act, calculated criminal drug
13 conspiracy, or streetgang criminal drug conspiracy, in which
14 event the Court shall enter sentences to run consecutively.

15 (c) (1) For sentences imposed under law in effect prior
16 to February 1, 1978 the aggregate maximum of consecutive
17 sentences shall not exceed the maximum term authorized
18 under Section 5-8-1 for the 2 most serious felonies
19 involved. The aggregate minimum period of consecutive
20 sentences shall not exceed the highest minimum term
21 authorized under Section 5-8-1 for the 2 most serious
22 felonies involved. When sentenced only for misdemeanors,
23 a defendant shall not be consecutively sentenced to more
24 than the maximum for one Class A misdemeanor.

25 (2) For sentences imposed under the law in effect
26 on or after February 1, 1978, the aggregate of
27 consecutive sentences for offenses that were committed as
28 part of a single course of conduct during which there was
29 no substantial change in the nature of the criminal
30 objective shall not exceed the sum of the maximum terms
31 authorized under Section 5-8-2 for the 2 most serious
32 felonies involved, but no such limitation shall apply for
33 offenses that were not committed as part of a single
34 course of conduct during which there was no substantial

1 change in the nature of the criminal objective. When
2 sentenced only for misdemeanors, a defendant shall not be
3 consecutively sentenced to more than the maximum for one
4 Class A misdemeanor.

5 (d) An offender serving a sentence for a misdemeanor who
6 is convicted of a felony and sentenced to imprisonment shall
7 be transferred to the Department of Corrections, and the
8 misdemeanor sentence shall be merged in and run concurrently
9 with the felony sentence.

10 (e) In determining the manner in which consecutive
11 sentences of imprisonment, one or more of which is for a
12 felony, will be served, the Department of Corrections shall
13 treat the offender as though he had been committed for a
14 single term with the following incidents:

15 (1) the maximum period of a term of imprisonment
16 shall consist of the aggregate of the maximums of the
17 imposed indeterminate terms, if any, plus the aggregate
18 of the imposed determinate sentences for felonies plus
19 the aggregate of the imposed determinate sentences for
20 misdemeanors subject to paragraph (c) of this Section;

21 (2) the parole or mandatory supervised release term
22 shall be as provided in paragraph (e) of Section 5-8-1 of
23 this Code for the most serious of the offenses involved;

24 (3) the minimum period of imprisonment shall be the
25 aggregate of the minimum and determinate periods of
26 imprisonment imposed by the court, subject to paragraph
27 (c) of this Section; and

28 (4) the offender shall be awarded credit against
29 the aggregate maximum term and the aggregate minimum term
30 of imprisonment for all time served in an institution
31 since the commission of the offense or offenses and as a
32 consequence thereof at the rate specified in Section
33 3-6-3 of this Code.

34 (f) A sentence of an offender committed to the

1 Department of Corrections at the time of the commission of
2 the offense shall be served consecutive to the sentence under
3 which he is held by the Department of Corrections. However,
4 in case such offender shall be sentenced to punishment by
5 death, the sentence shall be executed at such time as the
6 court may fix without regard to the sentence under which such
7 offender may be held by the Department.

8 (g) A sentence under Section 3-6-4 for escape or
9 attempted escape shall be served consecutive to the terms
10 under which the offender is held by the Department of
11 Corrections.

12 (h) If a person charged with a felony commits a separate
13 felony while on pre-trial release or in pretrial detention in
14 a county jail facility or county detention facility, the
15 sentences imposed upon conviction of these felonies shall be
16 served consecutively regardless of the order in which the
17 judgments of conviction are entered.

18 (i) If a person admitted to bail following conviction of
19 a felony commits a separate felony while free on bond or if a
20 person detained in a county jail facility or county detention
21 facility following conviction of a felony commits a separate
22 felony while in detention, any sentence following conviction
23 of the separate felony shall be consecutive to that of the
24 original sentence for which the defendant was on bond or
25 detained.

26 (Source: P.A. 90-128, eff. 7-22-97; 91-144, eff. 1-1-00;
27 91-404, eff. 1-1-00; revised 9-29-99.)

28 Section 92. The Sex Offender Registration Act is amended
29 by changing Sections 6 and 10 as follows:

30 (730 ILCS 150/6) (from Ch. 38, par. 226)

31 Sec. 6. Duty to report; change of address or employment;
32 duty to inform. A person who has been adjudicated to be

1 sexually dangerous or is a sexually violent person and is
2 later released, or found to be no longer sexually dangerous
3 or no longer a sexually violent person and discharged, must
4 report in person to the law enforcement agency with whom he
5 or she last registered no later than 90 days after the date
6 of his or her last registration and every 90 days thereafter.
7 Any other person who is required to register under this
8 Article shall report in person to the appropriate law
9 enforcement agency with whom he or she last registered within
10 one year from the date of that registration and every year
11 thereafter. If any person required to register under this
12 Article changes his or her residence address or place of
13 employment, he or she shall, in writing, within 10 days
14 inform the law enforcement agency with whom he or she last
15 registered of his or her new address or new place of
16 employment and register with the appropriate law enforcement
17 agency within the time period specified in Section 3. The
18 law enforcement agency shall, within 3 days of receipt,
19 notify the Department of State Police and the law enforcement
20 agency having jurisdiction of the new place of residence or
21 new place of employment.

22 If any person required to register under this Article
23 establishes a residence or employment outside of the State of
24 Illinois, within 10 days after establishing that residence or
25 employment, he or she shall, in writing, inform the law
26 enforcement agency with which he or she last registered of
27 his or her out-of-state residence or employment. The law
28 enforcement agency with which such person last registered
29 shall, within 3 days notice of an address or employment
30 change, notify the Department of State Police. The
31 Department of State Police shall forward such information to
32 the out-of-state law enforcement agency in the form and
33 manner prescribed by the Department of State Police.

34 (Source: P.A. 90-193, eff. 7-24-97; 91-48, eff. 7-1-99;

1 91-394, eff. 1-1-00; revised 9-27-99.)

2 (730 ILCS 150/10) (from Ch. 38, par. 230)

3 Sec. 10. Penalty. Any person who is required to
4 register under this Article who violates any of the
5 provisions of this Article and any person who is required to
6 register under this Article who seeks to change his or her
7 name under Article 21 of the Code of Civil Procedure is
8 guilty of a Class 4 felony. Any person who is required to
9 register under this Article who knowingly or wilfully gives
10 material information required by this Article that is false
11 is guilty of a Class 3 felony. Any person convicted of a
12 violation of any provision of this Article shall, in addition
13 to any other penalty required by law, be required to serve a
14 minimum period of 7 days confinement in the local county
15 jail. The court shall impose a mandatory minimum fine of
16 \$500 for failure to comply with any provision of this
17 Article. These fines shall be deposited in the Sex Offender
18 Registration Fund. Any sex offender or sexual predator who
19 violates any provision of this Article may be tried in any
20 Illinois county where the sex offender can be located.

21 (Source: P.A. 90-125, eff. 1-1-98; 90-193, eff. 7-24-97;
22 90-655, eff. 7-30-98; 91-48, eff. 7-1-99; 91-221, eff.
23 7-22-99; revised 9-27-99.)

24 Section 93. The Sex Offender and Child Murderer
25 Community Notification Law is amended by changing Section 120
26 as follows:

27 (730 ILCS 152/120)

28 Sec. 120. Community notification of sex offenders.

29 (a) The sheriff of the county, except Cook County, shall
30 disclose to the following the name, address, date of birth,
31 place of employment, and offense or adjudication of all sex

1 offenders required to register under Section 3 of the Sex
2 Offender Registration Act:

3 (1) (Blank);

4 (2) School boards of public school districts and
5 the principal or other appropriate administrative officer
6 of each nonpublic school located in the county where the
7 sex offender is required to register or is employed; and

8 (3) Child care facilities located in the county
9 where the sex offender is required to register or is
10 employed.

11 (a-2) The sheriff of Cook County shall disclose to the
12 following the name, address, date of birth, place of
13 employment, and offense or adjudication of all sex offenders
14 required to register under Section 3 of the Sex Offender
15 Registration Act:

16 (1) School boards of public school districts and
17 the principal or other appropriate administrative officer
18 of each nonpublic school located within the region of
19 Cook County, as those public school districts and
20 nonpublic schools are identified in LEADS, other than the
21 City of Chicago, where the sex offender is required to
22 register or is employed; and

23 (2) Child care facilities located within the region
24 of Cook County, as those child care facilities are
25 identified in LEADS, other than the City of Chicago,
26 where the sex offender is required to register or is
27 employed.

28 (a-3) The Chicago Police Department shall disclose to
29 the following the name, address, date of birth, place of
30 employment, and offense or adjudication of all sex offenders
31 required to register under Section 3 of the Sex Offender
32 Registration Act:

33 (1) School boards of public school districts and
34 the principal or other appropriate administrative officer

1 of each nonpublic school located in the police district
2 where the sex offender is required to register or is
3 employed if the offender is required to register or is
4 employed in the City of Chicago; and

5 (2) Child care facilities located in the police
6 district where the sex offender is required to register
7 or is employed if the offender is required to register or
8 is employed in the City of Chicago.

9 (a-4) The Department of State Police shall provide a
10 list of sex offenders required to register to the Illinois
11 Department of Children and Family Services.

12 (b) The Department of State Police and any law
13 enforcement agency may disclose, in the Department's or
14 agency's discretion, the following information to any person
15 likely to encounter a sex offender required to register under
16 Section 3 of the Sex Offender Registration Act:

17 (1) The offender's name, address, and date of
18 birth.

19 (2) The offense for which the offender was
20 convicted.

21 (3) Adjudication as a sexually dangerous person.

22 (4) The offender's photograph or other such
23 information that will help identify the sex offender.

24 (5) Offender employment information, to protect
25 public safety.

26 (c) The name, address, date of birth, and offense or
27 adjudication for sex offenders required to register under
28 Section 3 of the Sex Offender Registration Act shall be open
29 to inspection by the public as provided in this Section.
30 Every municipal police department shall make available at its
31 headquarters the information on all sex offenders who are
32 required to register in the municipality under the Sex
33 Offender Registration Act. The sheriff shall also make
34 available at his or her headquarters the information on all

1 sex offenders who are required to register under that Act and
2 who live in unincorporated areas of the county. Sex offender
3 information must be made available for public inspection to
4 any person, no later than 72 hours or 3 business days from
5 the date of the request. ~~reasonable~~ The request must be made
6 in person, in writing, or by telephone. Availability must
7 include giving the inquirer access to a facility where the
8 information may be copied. A department or sheriff may
9 charge a fee, but the fee may not exceed the actual costs of
10 copying the information. An inquirer must be allowed to copy
11 this information in his or her own handwriting. A department
12 or sheriff must allow access to the information during normal
13 public working hours. The sheriff or a municipal police
14 department may publish the photographs of sex offenders where
15 any victim was 13 years of age or younger and who are
16 required to register in the municipality or county under the
17 Sex Offender Registration Act in a newspaper or magazine of
18 general circulation in the municipality or county or may
19 disseminate the photographs of those sex offenders on the
20 Internet or on television. The law enforcement agency may
21 make available the information on all sex offenders residing
22 within any county.

23 (d) The Department of State Police and any law
24 enforcement agency having jurisdiction may, in the
25 Department's or agency's discretion, place the information
26 specified in subsection (b) on the Internet or in other
27 media.

28 (e) The Department of State Police and any law
29 enforcement agency having jurisdiction may, in the
30 Department's or agency's discretion, provide the information
31 specified in subsection (b), with respect to a juvenile sex
32 offender, to any person when that person's safety may be
33 compromised for some reason related to the juvenile sex
34 offender.

1 (Source: P.A. 90-193, eff. 7-24-97; 91-48, eff. 7-1-99;
2 91-221, eff. 7-22-99; 91-224, eff. 7-1-00; 91-357, eff.
3 7-29-99; 91-394, eff. 1-1-00; revised 9-1-99.)

4 Section 94. The Code of Civil Procedure is amended by
5 changing Sections 7-103.48 and 7-103.68 and changing and
6 resectioning Section 7-103 as follows:

7 (735 ILCS 5/7-103) (from Ch. 110, par. 7-103)
8 Sec. 7-103. "Quick-take".

9 (a) This Section applies only to proceedings under this
10 Article that are authorized in the Sections following this
11 Section and preceding Section 7-104.

12 48

13 PLUS,

14 THAT--PART--OF--THE--NORTHWEST--QUARTER--OF--SECTION--3
15 TOWNSHIP--40--NORTH--RANGE--12--EAST--OF--THE--THIRD--PRINCIPAL
16 MERIDIAN,---AND---BEING---MORE---PARTICULARLY---DESCRIBED---AS
17 FOLLOWS:

18 BEGINNING--AT--THE--POINT--OF--INTERSECTION--OF--THE
19 EASTERLY--RIGHT--OF--WAY--LINE--OF--THE--NORTHWEST--TOLL--ROAD--AND
20 THE--SOUTHERLY--RIGHT--OF--WAY--LINE--OF--MAPLE--AVENUE--EXTENDED
21 WESTERLY;---THENCE---EASTERLY---ALONG---SAID---SOUTHERLY
22 RIGHT--OF--WAY--LINE--OF--MAPLE--AVENUE--(RECORDED--AS--BOCK
23 AVENUE)--TO--THE--EASTERLY--RIGHT--OF--WAY--LINE--OF--GAGE--STREET;
24 THENCE--NORTHERLY--ALONG--SAID--EASTERLY--RIGHT--OF--WAY--LINE--OF
25 GAGE--STREET--TO--THE--SOUTHERLY--LINE--OF--LOT--2--IN--RIVER--ROSE
26 SUBDIVISION--UNIT--2--PER--DOCUMENT--NUMBER--19594706;---THENCE
27 EASTERLY--ALONG--THE--SOUTHERLY--LINE--OF--SAID--LOT--2--IN--RIVER
28 ROSE--SUBDIVISION--UNIT--NUMBER--2--AND--SAID--SOUTHERLY--LINE
29 EXTENDED--EASTERLY--TO--THE--EASTERLY--RIGHT--OF--WAY--LINE--OF
30 GLEN--LAKE--DRIVE--(AS--DEDICATED--IN--RIVER--ROSE--SUBDIVISION
31 PER--DOCUMENT--NUMBER--19352146--AND--DEDICATED--AS--WILLOW
32 CREEK--DRIVE);---THENCE--SOUTHWESTERLY--ALONG--SAID--EASTERLY

1 RIGHT-OF-WAY--LINE--TO--THE--NORTHWEST-CORNER-OF-LOT-1-IN
2 SAID-RIVER-ROSE-SUBDIVISION;--THENCE--SOUTHEASTERLY--ALONG
3 THE--NORTHERLY--LINE--OF--SAID--LOT--1--IN--SAID-RIVER-ROSE
4 SUBDIVISION, 86.0 FEET TO THE NORTHEAST--CORNER--OF--SAID
5 LOT--1;--THENCE--SOUTHWESTERLY--ALONG--THE--EASTERLY--LINE--OF
6 SAID-LOT-1, 120.0 FEET TO THE SOUTHEAST--CORNER--OF--SAID
7 LOT--1;--THENCE--NORTHWESTERLY--ALONG--THE--SOUTHERLY--LINE--OF
8 SAID-LOT-1--AND--THE--NORTHERLY--RIGHT-OF-WAY--LINE--OF--RIVER
9 ROSE--STREET--(AS--DEDICATED--IN--RIVER-ROSE-SUBDIVISION--PER
10 DOCUMENT--NUMBER--19352146), 34.3 FEET TO THE--INTERSECTION
11 OF--THE--NORTHERLY--RIGHT-OF-WAY--LINE--OF--SAID-RIVER-ROSE
12 STREET--AND--THE--EASTERLY--LINE--OF--SAID-WILLOW-CREEK--DRIVE, 7
13 ALSO--BEING--THE--SOUTHWEST--CORNER--OF--SAID-LOT-1;--THENCE
14 SOUTHEASTERLY--ALONG--THE--EASTERLY--RIGHT-OF-WAY--LINE--OF
15 SAID--WILLOW-CREEK-DRIVE--TO--THE--MOST--SOUTHWESTERLY--CORNER
16 OF--LOT--27--IN--SAID--RIVER--ROSE--SUBDIVISION;--THENCE
17 SOUTHWESTERLY--TO--THE--INTERSECTION--OF--THE--NORTHWESTERLY
18 CORNER--OF--LOT--"B"--IN--SAID-RIVER-ROSE-SUBDIVISION--WITH--THE
19 EAST-LOT-LINE--OF--LOT--8--IN--BLOCK--1--IN--HIGGINS--ROAD
20 RANCHETTES--SUBDIVISION--PER--DOCUMENT--NUMBER--13820089;
21 THENCE--NORTHERLY--ALONG--THE--EAST--LINE--OF--SAID-LOT-8, 97.24
22 FEET--TO--A--POINT;--SAID--POINT--BEING--66.00--FEET--SOUTH--OF--THE
23 NORTHEAST--CORNER--OF--SAID-LOT-8;--THENCE--WESTERLY, 7,--ALONG--A
24 LINE--WHICH--IS--66.00--FEET--SOUTH--OF--AND--PARALLEL--TO--THE
25 NORTH--LINE--OF--LOTS--3, 4, 5, 6, 7,--AND--8--IN--SAID--HIGGINS
26 ROAD--RANCHETTES--SUBDIVISION--AND--THEN--WESTERLY--THEREOF
27 (SAID--PARALLEL--LINE--ALSO--BEING--THE--SOUTH--LINE--OF--AN
28 UNRECORDED--STREET--KNOWN--AS--GLENLAKE--STREET), 7,--TO--THE--POINT
29 OF--INTERSECTION--WITH--THE--EASTERLY--RIGHT-OF-WAY--LINE--OF
30 THE--AFORESAID--NORTHWEST--TOLL--ROAD;--THENCE--NORTHWESTERLY
31 ALONG--THE--EASTERLY--RIGHT-OF-WAY--LINE--OF--SAID--NORTHWEST
32 TOLL--ROAD--TO--THE--POINT--OF--BEGINNING;

33 AND--ALSO, 7,--THAT--PART--OF--THE--NORTHEAST--QUARTER--OF
34 SECTION--9--AND--THE--NORTHWEST--QUARTER--OF--SECTION--10,

1 TOWNSHIP--40--NORTH, RANGE-12-EAST-OF-THE-THIRD-PRINCIPAL
2 MERIDIAN,--IN--THE--VILLAGE--OF--ROSEMONT,--COOK--COUNTY,
3 ILLINOIS, DESCRIBED-AS-FOLLOWS:

4 BEGINNING-IN-THE-WEST-HALF-OF-THE-NORTHEAST--QUARTER
5 OF--SECTION-9-AFORESAID, AT-THE-INTERSECTION-OF-THE-SOUTH
6 LINE-OF-61ST-STREET-WITH-THE-EASTERLY--RIGHT-OF-WAY--LINE
7 OF--THE-MINNEAPOLIS, ST., PAUL-AND-ST., STE., MARIE-RAILROAD
8 RIGHT-OF-WAY; THENCE-EAST-ALONG-THE-SOUTH--LINE--OF--61ST
9 STREET--AND--ITS--EASTERLY-EXTENSION, TO-THE-EAST-LINE-OF
10 PEARL-STREET; THENCE-NORTH-ALONG-THE-EAST-LINE--OF--PEARL
11 STREET--TO--THE--SOUTH--LINE--OF-62ND-STREET; THENCE-EAST
12 ALONG-THE-SOUTH-LINE--OF--62ND--STREET--TO--THE--WESTERLY
13 RIGHT-OF-WAY-LINE-OF-THE-ILLINOIS-STATE-TOLL-ROAD; THENCE
14 SOUTHERLY,--ALONG--THE--WESTERLY-RIGHT-OF-WAY-LINE-OF-THE
15 TOLL-ROAD-TO-A-POINT-ON-A-WESTERLY-EXTENSION-OF-THE-SOUTH
16 LINE-OF-ALLEN-AVENUE; THENCE--EAST--ALONG--SAID--WESTERLY
17 EXTENSION,--AND--ALONG--THE-SOUTH-LINE-OF-ALLEN-AVENUE-TO
18 THE-WEST-LINE-OF-OTTO-AVENUE; THENCE-SOUTH-ALONG-THE-WEST
19 LINE-OF--OTTO-AVENUE-TO-A-POINT-ON-A--WESTERLY--EXTENSION
20 OF-THE-NORTH-LINE-OF-THE-SOUTH-30-FEET-OF-LOT-12-IN-FIRST
21 ADDITION--TO-B.L.-CARLSEN'S-INDUSTRIAL-SUBDIVISION, BEING
22 A-RESUBDIVISION-IN-THE-NORTHEAST--QUARTER--OF--SECTION--9
23 AFORESAID,--ACCORDING--TO-THE-PLAT-THEREOF-RECORDED-MARCH
24 5, 1962-AS-DOCUMENT--18416079;--THENCE--EAST--ALONG--SAID
25 WESTERLY--EXTENSION,--AND--ALONG-THE-AFOREMENTIONED-NORTH
26 LINE-OF-THE-SOUTH-30-FEET-OF-LOT-12, TO-THE-EAST-LINE--OF
27 LOT-12; THENCE-NORTH-ALONG-THE-EAST-LINE-OF-LOT-12, BEING
28 ALSO-THE-EAST-LINE-OF-THE-NORTHEAST-QUARTER-OF-SECTION-9,
29 TO--THE-NORTH-LINE-OF-OWNER'S-DIVISION-OF-PARTS-OF-LOTS-4
30 AND-5-OF-HENRY-HACHMEISTER'S-DIVISION, IN--THE--NORTHWEST
31 QUARTER--OF--SECTION-10, AFORESAID, ACCORDING-TO-THE-PLAT
32 THEREOF-RECORDED-APRIL-25, 1949--AS--DOCUMENT--14539019;
33 THENCE-EAST-ALONG-THE-NORTH-LINE-OF-SAID-OWNER'S-DIVISION
34 TO--THE--WEST--LINE--OF--LOT--3-IN-SAID-OWNER'S-DIVISION;

1 THENCE-SOUTH--ALONG--THE--WEST--LINE--OF--LOT--3--TO--THE
2 SOUTHWEST--CORNER--THEREOF;--THENCE--EAST-ALONG-THE-SOUTH
3 LINE-OF-LOT-3-TO-THE-NORTHWEST-CORNER-OF-LOT--4--IN--SAID
4 OWNER'S--SUBDIVISION;--THENCE-SOUTH-ALONG-THE-WEST-LINE-OF
5 LOT-4-TO-THE-SOUTHWEST-CORNER-THEREOF;--THENCE-EAST--ALONG
6 THE--SOUTH--LINE--OF--LOT-4,--AND--SAID--SOUTH--LINE--EXTENDED
7 EASTERLY,--TO-THE--EASTERLY--RIGHT-OF-WAY--LINE--OF--RIVER
8 ROAD;----THENCE----SOUTHEASTERLY---ALONG---THE---EASTERLY
9 RIGHT-OF-WAY-LINE-OF-SAID-RIVER-ROAD--TO--A--POINT--BEING
10 198.00--FEET--NORTH--OF--AND--PARALLEL--TO--THE--SOUTH--LINE--OF
11 LOT-5-EXTENDED-EASTERLY,--IN-HENRY-HACHMEISTER'S--DIVISION
12 PER--DOCUMENT--NUMBER--4183101;--THENCE-WESTERLY,--ALONG-A
13 LINE-WHICH-IS-198.00-FEET-NORTH-OF-AND--PARALLEL--TO--THE
14 SOUTH-LINE-OF-SAID-LOT-5-IN-HENRY-HACHMEISTER'S-DIVISION,--
15 TO--THE--NORTHWEST--CORNER--OF--LOT--6--IN-B.L.--CARLSEN'S
16 INDUSTRIAL--SUBDIVISION--PER--DOCUMENT--NUMBER---1925132;
17 THENCE-NORTHERLY-TO-A-POINT-BEING-THE-NORTHEAST-CORNER-OF
18 A--PARCEL--BEING--DESCRIBED--PER--DOCUMENT-T1862127,--SAID
19 POINT-BEING-293.73-FEET-NORTH--OF--AND--PARALLEL--TO--THE
20 SOUTH-LINE-OF-SAID-LOT-5-IN-HENRY-HACHMEISTER'S-DIVISION;
21 THENCE--WESTERLY--ALONG--A-LINE,--293.73-FEET-NORTH-OF-AND
22 PARALLEL-TO-THE-SOUTH-LINE-OF-SAID-LOT-5,--91.50--FEET--TO
23 THE--NORTHWEST--CORNER--OF--SAID--PARCEL--PER--DOCUMENT
24 T1862127;--THENCE-SOUTHERLY-ALONG-A-LINE--BEING--THE--EAST
25 LINE-OF-THE-WEST-200.00-FEET-OF-SAID-LOT-5,--71.88-FEET-TO
26 THE--SOUTHEAST--CORNER--OF--A--PARCEL-BEING-DESCRIBED-PER
27 DOCUMENT-T2257298;--THENCE-WESTERLY-ALONG-THE--SOUTH--LINE
28 AND--THE-SOUTH-LINE-EXTENDED-WESTERLY-OF-SAID-PARCEL,--233
29 FEET-TO-THE-POINT-OF-INTERSECTION-WITH-THE-WEST--LINE--OF
30 MICHIGAN-AVENUE-RIGHT-OF-WAY;--THENCE-NORTHERLY-ALONG-SAID
31 WEST--RIGHT-OF-WAY--LINE--OF--MICHIGAN--AVENUE--TO--THE
32 NORTHEAST-CORNER-OF-LOT-1,--BLOCK-12-IN-J.--TAYLOR'S--ADD.
33 TO--FAIRVIEW--HEIGHTS--PER--DOCUMENT-NUMBER-1876526,--SAID
34 POINT-ALSO-BEING-ON-THE-SOUTH-RIGHT-OF-WAY-LINE--OF--60TH

1 STREET;--THENCE--WESTERLY--ALONG--SAID-SOUTH-RIGHT-OF-WAY
 2 LINE-OF-60TH-STREET-TO-A-POINT-OF-INTERSECTION--WITH--THE
 3 EASTERLY--RIGHT-OF-WAY-LINE-OF-THE-AFORESAID-MINNEAPOLIS,
 4 ST.-PAUL-AND-ST.-STE.-MARIE-RAILROAD-RIGHT-OF-WAY;--THENCE
 5 NORTHWESTERLY-ALONG-SAID-EASTERLY--RIGHT-OF-WAY--LINE--TO
 6 THE-POINT-OF-BEGINNING; ;-70;

7 (71)--For--a--period--of--3--years--after--December-1,
 8 1998,--by--the--Village--of--Franklin--Park,---for---the
 9 redevelopment--of--blighted-areas,--for-the-acquisition-of
 10 property-within-the-area-legally-described-as:

11 BEGINNING-AT-THE-NORTHEAST-CORNER-OF-SAID-TRACT--NO.-
 12 2--(SAID-CORNER-BEING-50.0-FEET-WEST-OF-THE-CENTERLINE-OF
 13 MANNHEIM-ROAD);--THENCE-SOUTH-ALONG-THE-EAST-LINE-OF--SAID
 14 TRACT--NO.--2,--A--DISTANCE--OF-305.46-FEET;--THENCE-WEST,
 15 PARALLEL-WITH-THE-NORTH-LINE--OF--SAID--TRACT--NO.--2,--A
 16 DISTANCE--OF--175.0-FEET;--THENCE-SOUTH,--PARALLEL-WITH-THE
 17 EAST-LINE-OF-SAID-TRACT-NO.-2,--A-DISTANCE-OF-164.46--FEET
 18 TO--THE--SOUTHERLY--LINE--OF-SAID-TRACT-NO.-2--(SAID-LINE
 19 BEING-50.0-FEET-NORTHERLY--OF--THE--CENTERLINE--OF--GRAND
 20 AVENUE);--THENCE--WESTERLY--ALONG-SAID-LINE,--672.75-FEET;
 21 THENCE-NORTH-ALONG-A-LINE-THAT-IS-227.30-FEET-EAST-OF--(AS
 22 MEASURED-AT-RIGHT-ANGLES)--AND-PARALLEL-WITH-THE-EAST-LINE
 23 OF-MIKE-LATORIA-SR.-INDUSTRIAL-SUBDIVISION,--429.87--FEET
 24 TO--THE-NORTH-LINE-OF-SAID-TRACT-NO.-2;--THENCE-EAST-ALONG
 25 SAID-NORTH-LINE,--845.71-FEET-TO-THE-POINT--OF--BEGINNING,
 26 IN--OWNER'S-DIVISION-OF-THAT-PART-OF-THE-EAST-HALF-OF-THE
 27 NORTHEAST-QUARTER-OF-SECTION-29,--TOWNSHIP-40-NORTH,--RANGE
 28 12-EAST-OF-THE-THIRD-PRINCIPAL-MERIDIAN,--ACCORDING-TO-THE
 29 PLAT--THEREOF--RECORDED--AUGUST--16,--1929--AS--DOCUMENT
 30 10456788--AND--FILED--IN-THE-REGISTRAR'S-OFFICE-ON-AUGUST
 31 23,--1929--AS-DOCUMENT-LR474993,--IN-COOK-COUNTY,--ILLINOIS;

32 (72)--For-a-period-of--3--years--after--December--1,
 33 1998,---by---the---Village--of--Franklin--Park,--for--the
 34 redevelopment-of-blighted-areas,--for-the--acquisition--of

1 the-property-legally-described-as:

2 Lots--19,--20,--21,--22,--23,--24,--25,--26-and-27-of-the
3 Salerno-Kaufman-Subdivision-of-part-of--Tract--No.--1--in
4 Owner's--Division-of-part-of-the-East-1/2,--Northeast-1/4,
5 Section-29,--Township-40,--Range--12,--East--of--the--Third
6 Principal-Meridian,--in-Cook-County,--Illinois;--and

7 That-part-of-the-South-117.64-feet-of-tract-number-1
8 lying--East--of-a-line-235-feet-West-of-and-parallel-with
9 West-line-of-Mannheim-Road-in-Owner's-Division-of-part-of
10 the-East-half-of-the-Northeast--quarter--of--Section--29,
11 Township--40-North,--Range-12,--East-of-the-Third-Principal
12 Meridian,--according-to-the-Plat-thereof--recorded--August
13 16,--1929--as--Document--number-10456788,--in-Cook-County,
14 Illinois;

15 (73)--for--a--period--of--2--years---following---the
16 effective-date-of-this-amendatory-Act-of-the-91st-General
17 Assembly,--by-the-City-of-Taylorville-for-the-acquisition
18 of-land-used-for-the-construction-of-the-second-silt--dam
19 on--Lake--Taylorville;--the-project-area-is-limited-to-the
20 townships-of-Greenwood,--Johnson,--and-Locust--in--southern
21 Christian-County;

22 (74)---for--a--period--of--6--months--following--the
23 effective-date-of-this-amendatory-Act-of-the-91st-General
24 Assembly,--by-the-City-of-Effingham-for-the-acquisition-of
25 all-the-right-of--way--needed--for--the--subject--project
26 starting--at--Wernsing--Avenue--and--running-northerly-to
27 Fayette--Avenue,--including--the--right--of--way--for---a
28 structure-over-the-CSX-rail-line-and-U.-S.-Route-40;

29 (75)---for--a--period--of--one--year--following--the
30 effective-date-of-this-amendatory-Act-of-the-91st-General
31 Assembly,--by-the-City-of-Effingham-for-the-acquisition-of
32 property-for--the--construction--of--South--Raney--Street
33 Project--Phase--II,--including--a--grade--separation-over
34 Conrail-and-U.-S.-Route-40-in-the-City-of-Effingham,--from

1 the intersection of South Raney Street and West Wernsing
2 Avenue northerly to the intersection of South Raney
3 Street and West Fayette Avenue;

4 (76) for a period of 2 years following the effective
5 date of this amendatory Act of the 91st General Assembly,
6 by the Village of Lincolnshire, for the purpose of
7 redevelopment within the downtown area, for the
8 acquisition of property within that area legally
9 described as follows:

10 THAT PART OF SECTIONS 15 AND 22, TOWNSHIP 43 NORTH,
11 RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED
12 AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE EAST
13 LINE OF THE PROPERTY DESCRIBED IN DOCUMENT NUMBER 2297085
14 AND THE NORTHERLY LINE OF HALF DAY ROAD; THENCE
15 NORTHEASTERLY ALONG SAID NORTHERLY LINE OF SAID HALF DAY
16 ROAD TO THE INTERSECTION WITH THE WEST LINE OF STATE
17 ROUTE NO. 21 (ALSO KNOWN AS MILWAUKEE AVENUE); THENCE
18 NORTHERLY ALONG SAID WEST LINE OF STATE ROUTE NO. 21 TO
19 THE NORTH LINE OF THE SOUTH 452.20 FEET OF THE NORTHEAST
20 QUARTER OF THE AFORESAID SECTION 15; THENCE EAST ALONG
21 THE SAID NORTH LINE OF THE SOUTH 452.20 FEET TO THE EAST
22 LINE OF THE NORTHEAST QUARTER OF SAID SECTION 15; THENCE
23 SOUTH ALONG THE SAID EAST LINE TO THE SOUTHEAST CORNER OF
24 THE NORTHEAST QUARTER THEREOF; THENCE WEST ALONG THE
25 SOUTH LINE OF THE SAID NORTHEAST QUARTER TO AN EAST LINE
26 OF VERNON CEMETERY AS DESCRIBED IN DOCUMENT NUMBER
27 263584; THENCE NORTH 37.20 FEET ALONG AFORESAID EAST LINE
28 OF CEMETERY TO THE NORTH EAST CORNER THEREOF; THENCE WEST
29 297.00 FEET ALONG THE NORTH LINE OF THE AFORESAID
30 CEMETERY, SAID LINE IS THE MOST NORTHERLY LINE OF
31 CEMETERY ROAD AS OCCUPIED AND EXTENDED TO A WEST LINE OF
32 AFORESAID VERNON CEMETERY EXTENDED NORTH; THENCE SOUTH
33 ALONG THE EXTENSION AND WEST LINE OF THE AFORESAID
34 CEMETERY TO THE SOUTHWEST CORNER THEREOF, SAID SOUTHWEST

1 CORNER IS 296.61 FEET SOUTH OF THE SOUTH LINE OF CEMETERY
2 ROAD AS OCCUPIED; THENCE EAST ALONG THE SOUTH LINE OF
3 VERNON CEMETERY TO THE SOUTH EAST CORNER THEREOF; SAID
4 SOUTHEAST CORNER ALSO BEING A POINT ON THE WEST LINE OF
5 PROPERTY DESCRIBED BY DOCUMENT NUMBER 2012084; THENCE
6 SOUTH ALONG AFORESAID WEST LINE TO THE NORTH LINE OF HALF
7 DAY ROAD; THENCE EAST ALONG LAST SAID NORTH LINE TO A
8 POINT IN THE WEST LINE (EXTENDED) OF INDIAN CREEK
9 SUBDIVISION (RECORDED AS DOCUMENT NUMBER 2084U19); THENCE
10 SOUTH ALONG THE WEST LINE AND AN EXTENSION THEREOF OF
11 INDIAN CREEK CONDOMINIUM SUBDIVISION TO THE SOUTHWEST
12 CORNER THEREOF; THENCE SOUTHEASTERLY ALONG A SOUTH LINE
13 OF INDIAN CREEK CONDOMINIUM SUBDIVISION 130.47 FEET TO
14 THE MOST SOUTHERLY CORNER IN THE AFORESAID SUBDIVISION
15 SAID POINT BEING IN THE NORTH LINE OF RELOCATED ILLINOIS
16 STATE ROUTE 22; THENCE NORTHEASTERLY ALONG A SOUTH LINE
17 OF INDIAN CREEK CONDOMINIUM SUBDIVISION 209.56 FEET; SAID
18 LINE BEING ALSO THE NORTH LINE OF RELOCATED ILLINOIS
19 STATE ROUTE 22; TO THE SOUTHEAST CORNER OF INDIAN CREEK
20 CONDOMINIUM SUBDIVISION; THENCE NORTH ALONG THE EAST LINE
21 OF INDIAN CREEK SUBDIVISION AND AN EXTENSION THEREOF TO
22 THE NORTH LINE OF HALF DAY ROAD; THENCE EAST ALONG THE
23 NORTH LINE OF HALF DAY ROAD TO THE EAST LINE OF THE
24 SOUTHEAST QUARTER OF SAID SECTION 15 TO THE SOUTHEAST
25 CORNER OF THE SOUTHEAST QUARTER OF SECTION 15 AFORESAID;
26 THENCE SOUTHERLY ALONG AN EASTERLY LINE OF THE HAMILTON
27 PARTNERS PROPERTY DESCRIBED AS FOLLOWS; BEGINNING AT THE
28 NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION
29 22 (THE EAST LINE OF THE NORTHEAST QUARTER OF SAID
30 SECTION 22 HAVING AN ASSUMED BEARING OF SOUTH 00 DEGREES
31 00 MINUTES 00 SECONDS EAST FOR THIS LEGAL DESCRIPTION);
32 THENCE SOUTH 13 DEGREES 57 MINUTES 09 SECONDS WEST;
33 519.43 FEET TO A POINT DESCRIBED AS BEARING NORTH 51
34 DEGREES 41 MINUTES 30 SECONDS WEST; 159.61 FEET FROM A

1 POINT-OF-THE--EAST--LINE--OF--THE--NORTHEAST--QUARTER--OF
2 SECTION-22-AFORESAID, 603.05 FEET, AS MEASURED ALONG SAID
3 EAST--LINE, SOUTH--OF--THE--NORTHEAST--CORNER--OF--SAID
4 NORTHEAST-QUARTER; THENCE SOUTH 05 DEGREES 08 MINUTES 04
5 SECONDS EAST, 232.01 FEET TO THE MOST NORTHERLY NORTHEAST
6 CORNER--OF--MARIOTT--DRIVE, ACCORDING--TO--THE--PLAT--OF
7 DEDICATION--RECORDED--AS--DOCUMENT-NUMBER-1978811; THENCE
8 SOUTH 42 DEGREES 08 MINUTES 46 SECONDS WEST (RECORD SOUTH
9 42 DEGREES 09 MINUTES 23 SECONDS WEST) ALONG--THE
10 NORTHWESTERLY--LINE--OF--SAID--MARIOTT--DRIVE, 40.70 FEET
11 (RECORD 40.73 FEET) TO AN ANGLE POINT IN THE--NORTH--LINE
12 OF--SAID--MARIOTT--DRIVE; THENCE--SOUTH-PERPENDICULAR-TO
13 AFOREMENTIONED-MARIOTT-DRIVE-TO-A-POINT-ON-THE-SOUTH-LINE
14 THEREOF; THENCE WEST ALONG--THE--SOUTH--LINE--OF--MARIOTT
15 DRIVE--TO--A--POINT-PERPENDICULAR-TO-A-POINT-IN-THE-NORTH
16 LINE-OF-MARIOTT-DRIVE-THAT-IS-ON-A-LINE, THE-EXTENSION-OF
17 WHICH-IS-THE-EASTERLY-LINE-OF-LOTS--1--AND--2--IN--INDIAN
18 CREEK--RESUBDIVISION; THENCE--NORTH--PERPENDICULAR--TO
19 MARIOTT-DRIVE-TO-THE-AFOREMENTIONED-POINT--ON--THE--NORTH
20 LINE; THENCE--NORTHWESTERLY--ON--THE--EASTERLY--LINE--&
21 EXTENSION-THEREOF-OF-AFOREMENTIONED-LOTS-1-AND-2--TO--THE
22 NORTHEAST--CORNER--OF--LOT-2; THENCE WEST ALONG THE NORTH
23 LINE-OF-LOT-2-TO-THE--NORTHWEST--CORNER--THEREOF; THENCE
24 SOUTHWESTERLY--PERPENDICULAR--TO--ILLINOIS--ROUTE--21
25 (MILWAUKEE-AVENUE-DEDICATED-BY-DOCUMENT--NUMBER--2129168)
26 TO--THE--WEST--LINE--THEREOF; THENCE NORTH ALONG THE WEST
27 LINE-OF-AFOREMENTIONED-ILLINOIS-ROUTE-21-TO-THE-NORTHEAST
28 CORNER-OF-LOT--1--IN--MCDONALD'S--KING'S--SUBDIVISION;
29 THENCE--WEST--ALONG--THE-NORTH-LINE-OF-THE-LAST-MENTIONED
30 LOT-1, 218.50 FEET TO A JOG IN THE--NORTH--LINE--THEREOF;
31 THENCE--NORTHERLY--ALONG--A--WESTERLY-LINE-OF-SAID-LOT-1,
32 20.22 FEET TO A JOG IN THE NORTH LINE; THENCE WEST--ALONG
33 THE--NORTH--LINE--OF--LOT--1-AFORESAID 150.42 FEET TO THE
34 NORTHWEST-CORNER-OF-THEREOF; THENCE--SOUTH--205.94--FEET

1 ALONG--THE--WEST-LINE-OF-AFOREMENTIONED-LOT-1-TO-A-JOG-IN
2 THE-WEST-LINE-THEREOF;-THENCE-EAST-ALONG-A-SOUTH-LINE--OF
3 LOT-1-TO-A-JOG-IN-THE-WEST-LINE-THEREOF-3.45-FEET;-THENCE
4 SOUTH--91.22--FEET--ALONG--THE--WEST--LINE--LOT--1-TO-THE
5 SOUTHWEST-CORNER-LOT-1-AFOREMENTIONED;---THENCE--SOUTHERLY
6 RADIAL--TO-RELOCATED-ILLINOIS-STATE-ROUTE-22-TO-THE-SOUTH
7 LINE--THEREOF;---THENCE--WEST--ALONG--THE--SOUTH--LINE--OF
8 RELOCATED--ILLINOIS---STATE---ROUTE---22---TO---A---POINT
9 PERPENDICULAR--TO--A-POINT-AT-THE-SOUTHWEST-CORNER-OF-THE
10 OLD-HALF-DAY-SCHOOL-PARCEL;---THENCE--NORTHWESTERLY--51.41
11 FEET--ALONG--A--WEST-LINE-OF-AFORESAID-SCHOOL-PARCEL-TO-A
12 CORNER-THEREOF;-THENCE-NORTHEASTERLY-169.30-FEET-ALONG--A
13 NORTHERLY--LINE--OF--AFORESAID--SCHOOL-PARCEL-TO-A-CORNER
14 THEREOF;-THENCE-NORTHWESTERLY-242.80-FEET--ALONG--A--WEST
15 LINE--TO--THE--CENTER--LINE--OF--HALF--DAY--ROAD;---THENCE
16 NORTHWESTERLY--NORMAL--TO--THE--AFORESAID--ROAD--TO--THE
17 NORTHERLY-RIGHT-OF-WAY-LINE-THEREOF;---THENCE--EAST--ALONG
18 THE--NORTH-LINE-OF-HALF-DAY-ROAD-TO-A-POINT-SAID-POINT-IS
19 A-BEND-IN-THE-WEST-LINE-OF-PROPERTY-DESCRIBED-BY-DOCUMENT
20 NUMBER-2600952;-THENCE-NORTHWESTERLY--7.82--CHAINS--ALONG
21 THE--WEST--LINE--AFOREMENTIONED--TO--THE-NORTHWEST-CORNER
22 THEREOF;---THENCE--SOUTHEASTERLY--2.39---CHAINS---TO---THE
23 NORTHEAST---CORNER---OF---THE---SAID---PROPERTY;---THENCE
24 SOUTHEASTERLY--ALONG--THE--EASTERLY--LINE--OF--AFORESAID
25 PROPERTY-TO-THE-NORTHWEST-CORNER-OF-PROPERTY-DESCRIBED-IN
26 DOCUMENT-NUMBER-2297085;-THENCE-EAST--2.27--CHAINS--ALONG
27 THE--NORTH--LINE--OF--AFOREMENTIONED--PROPERTY--TO--THE
28 NORTHEAST-CORNER-THEREOF;-THENCE--SOUTH--ALONG--THE--EAST
29 LINE--OF--THE--AFOREMENTIONED--PROPERTY--TO--THE-PLACE-OF
30 BEGINNING,--(EXCEPT--THEREFROM--THE--TRACT--OF--LAND---AS
31 DESCRIBED--BY--DOCUMENT-NUMBER-1141157-AND-MILWAUKEE-AVE.-
32 ADJACENT-THEREFO)-ALL-IN-LAKE-COUNTY,-ILLINOIS;

33 (77)--for-a-period-of-18-months-after-the--effective
34 date--of--this--amendatory--Act--of--1999,-by-the-City-of

1 Marion-for-the-acquisition-of-property-and-temporary
2 construction-easements-bounded-by-the-following-lines-for
3 improvement-of-the-Pentecost-Road-project:

4 A-variable-width-strip-of-land-lying-parallel-with-and
5 contiguous-to-the-existing-east-and-west-Right-of-Way
6 lines-of-Pentecost-Road-in-the-following-quarter-quarter
7 section:

8 the-NW1/4-NW1/4, Section-16; NE1/4-NE1/4, Section-17;
9 NW1/4-SW1/4, Section-16; SW1/4-SW1/4, Section-16; NE1/4
10 SE1/4, Section-17; and the-SE1/4-SE1/4, Section-17, all
11 located-in-Township-9-South, Range-2-East-of-the-Third
12 Principal-Meridian, Williamson-County, Illinois;

13 (78) for-a-period-of-6-months-following-the
14 effective-date-of-this-amendatory-Act-of-the-91st-General
15 Assembly, by-the-city-of-Geneva, for-the-Prairie-and
16 Wetland-Restoration-Project, for-the-acquisition-of
17 property-described-as-follows:

18 PARCEL-ONE: THE-SOUTH-1/2-OF-THE-NORTHEAST-1/4-OF
19 SECTION-6, TOWNSHIP-39-NORTH, RANGE-8-EAST-OF-THE-THIRD
20 PRINCIPAL-MERIDIAN, IN-THE-TOWNSHIP-OF-GENEVA, KANE
21 COUNTY, ILLINOIS.

22 PARCEL-TWO: THE-SOUTH-HALF-OF-THE-NORTHWEST
23 FRACTIONAL-QUARTER-OF-SECTION-6, TOWNSHIP-39-NORTH, RANGE
24 8-EAST-OF-THE-THIRD-PRINCIPAL-MERIDIAN, IN-THE-TOWNSHIP
25 OF-GENEVA, KANE-COUNTY, ILLINOIS.

26 PARCEL-THREE: THAT-PART-OF-THE-SOUTH-1/2-OF-THE
27 NORTHEAST-1/4-OF-SECTION-1, TOWNSHIP-39-NORTH, RANGE-7
28 EAST-OF-THE-THIRD-PRINCIPAL-MERIDIAN-LYING-EAST-OF-THE
29 FOLLOWING-TRACT: (A-STRIP-OF-LAND-60-FEET-IN-WIDTH
30 EXTENDING-OVER-AND-ACROSS-THE-SOUTH-EAST-1/4-OF-THE
31 NORTHEAST-1/4-OF-SECTION-1, TOWNSHIP-39-NORTH, RANGE-7
32 EAST-OF-THE-THIRD-PRINCIPAL-MERIDIAN, SAID-STRIP-OF-LAND
33 BEING-THAT-CERTAIN-STRIP-OF-LAND-AS-CONVEYED-BY-CHARLES
34 W. PEMBLETON-AND-WIFE-TO-THE-CHICAGO-AND-NORTH-WESTERN

1 RAILWAY--COMPANY--(NOW--THE--CHICAGO--AND--NORTH--WESTERN
2 TRANSPORTATION-COMPANY)-BY-WARRANTY-DEED-DATED--JUNE--29,
3 1903--AND--RECORDED-AS-DOCUMENT-64790-IN-BOOK-430-ON-PAGE
4 337-IN-THE-OFFICE-OF-THE--REGISTRAR--OF--DEEDS--FOR--KANE
5 COUNTY,
6 COUNTY,
7 COUNTY,
8 COUNTY,
9 COUNTY,
10 COUNTY,
11 COUNTY,
12 COUNTY,
13 COUNTY,
14 COUNTY,
15 COUNTY,
16 COUNTY,
17 COUNTY,
18 COUNTY,
19 COUNTY,
20 COUNTY,
21 COUNTY,
22 COUNTY,
23 COUNTY,
24 COUNTY,
25 COUNTY,
26 COUNTY,
27 COUNTY,
28 COUNTY,
29 COUNTY,
30 COUNTY,
31 COUNTY,
32 COUNTY,
33 COUNTY,
34 COUNTY;

(79)--for-a-period-of-2--years--after--the--effective
date-of-this-amendatory-Act-of-the-91st-General-Assembly,
by--the--City--of--Aurora--for--the--purpose-of-acquiring
property-in-connection-with-a-project-to--widen--Illinois
Route-133-east-of-Interstate-57;

(80)--for--a-period-of-24-months-after-the-effective
date-of-this-amendatory-Act-of-the-91st-General-Assembly,
by-the-County-of-Lake,
for-the-acquisition--of--necessary
right-of-way---to---complete---the---improvement--of--the
intersection-of-County-Highway-47-(9th-Street)-and-County
Highway-27-(Lewis-Avenue);

(81)--for-a-period-of-24-months-after-the--effective
date-of-this-amendatory-Act-of-the-91st-General-Assembly,
by--the--County-of-Lake,
for-the-acquisition-of-necessary
right-of-way-to-complete-the-improvement-of--the--various
intersections--and--roadways--involved--in-the-project-to
improve-County-Highway-70-(Hawley-Street),
County-Highway
26-(Gilmer-Road),
and-County-Highway-62--(Fremont--Center
Road)-at-and-near-Illinois-Route-176;

(82)--for--a-period-of-30-months-after-the-effective
date-of-this-amendatory-Act-of-the-91st-General-Assembly,
by--the-County-of-Winnebago-to-allow-for-the--acquisition
of---right-of-way--for--the-construction-of-the-Harrison
Avenue--Extension-project--from--Montague--Road--to--West
State--Street---lying-within-Section-20,
the-east-1/2-of
Section-29,
and--the---northeast--1/4--of--Section--32,
Township--44W,
Range--1--East--of---the--3rd--Principal
Meridian,
in-Winnebago-County;

1 (83)--for--a--period--of--2--years--after--the--effective
2 date--of--this--amendatory--Act--of--the--91st--General--Assembly,
3 by--the--Village--of--Schiller--Park,
4 for--the--acquisition--of
5 the--following--described--property--for--purposes--of
6 redevelopment--of--blighted--areas:
7 The--following--parcel--of--property--lying--within--the--East
8 Half--of--the--Southeast--Quarter--of--Section--17,
9 Township--40--North,
10 Range--12--East--of--the--Third--Principal--Meridian--and
11 the--N--East--Half--of--the--Southwest--Quarter--of--Section--16,
12 Township--40--North,
13 Range--12--East--of--the--Third--Principal
14 Meridian--all--in--Cook--County,
15 Illinois:
16 Commencing--at--the--intersection--of--the--center--line--of
17 Irving--Park--Road--with--the--west--line--of--Mannheim--Road;
18 thence,
19 southwesterly--along--the--westerly--line--of--Mannheim
20 Road--to--its--intersection--with--the--south--line--of--Belle
21 Plaine--Avenue,
22 as--extended--from--the--east;
23 thence,
24 easterly--along--the--south--line--of--Belle--Plaine--Avenue--to
25 its--intersection--with--the--west--line,
26 as--extended--from--the
27 North,
28 of--Lot--7--in--the--Subdivision--of--the--West--Half--of
29 the--Southwest--Quarter--of--Section--16,
30 Township--40--North,
31 Range--12--East--of--the--Third--Principal--Meridian--(except
32 that--part--lying--Northerly--of--Irving--Park--Road),
33 recorded
34 April--14,
35 1921--as--document--no.--7112572;
36 thence,
37 northerly
38 along--the--west--line,
39 as--extended--from--the--north,
40 of--Lot--7
41 of--the--aforecited--Subdivision--to--its--intersection--with
42 the--north--line--of--Belle--Plaine--Avenue;
43 thence,
44 northeasterly--along--the--northwesterly--line--of--the
45 property--acquired--by--The--Illinois--State--Toll--Highway
46 Authority--to--its--intersection--with--the--east--line--of--Lot--7
47 of--the--aforecited--Subdivision;
48 thence,
49 northerly--along
50 the--east--line--of--Lot--7--of--the--aforecited--Subdivision--to
51 its--intersection--with--the--south--line--of--Lot--2--in--the
52 aforecited--Subdivision;
53 thence,
54 westerly--along--the--south
55 line--of--Lot--2--of--the--aforecited--Subdivision--to--its

1 intersection---with---the---west---line---of---Lot---2---of---the
2 aforesaid-Subdivision; thence, northerly along the west
3 line---of---Lot---2---of---the---aforesaid-Subdivision and the
4 extension of the west line of Lot 2 to its intersection
5 with the center line of Irving Park Road; thence,
6 westerly along the center line of Irving Park Road to the
7 point of beginning.

8 Notwithstanding the property description contained in
9 this paragraph (83), the Village of Schiller Park may not
10 acquire, under the authority of this paragraph (83), any
11 property that is owned by any other unit of local government;

12 (84) for a period of 2 years after the effective
13 date of this amendatory Act of the 91st General Assembly,
14 by the City of Springfield, for the acquisition of (i)
15 the property located in the City of Springfield and
16 bounded on the north by Mason Street, on the west by
17 Fifth Street, on the south by Jefferson Street, and on
18 the east by Sixth Street and (ii) the property located in
19 the City of Springfield and bounded on the north by
20 Madison Street, on the west by Sixth Street, on the south
21 by Washington Street, and on the east by Seventh Street,
22 for the Abraham Lincoln Presidential Library;

23 (85) for a period of 24 months after the effective
24 date of this amendatory Act of the 91st General Assembly,
25 by McLean County, for the acquisition of property
26 necessary for the purpose of construction with respect to
27 the Towanda-Barnes Road from Route 150 to Ft. Jesse Road;

28 (86) for a period of 12 months after the effective
29 date of this amendatory Act of the 91st General Assembly,
30 by Pike County, for the acquisition of property necessary
31 for the purpose of construction with respect to F.A.S.
32 1591, commonly known as Martinsburg Road, from one mile
33 north of Martinsburg to 0.25 mile north of Martinsburg;

34 (87) for a period of 12 months after the effective

1 date-of-this-amendatory-Act-of-the-91st-General-Assembly,
 2 by--the--Fox--Metro--Water--Reclamation-District,-for-the
 3 acquisition-of-the-following-described-property--for--the
 4 purpose---of---extending---the---collector---system---and
 5 construction-of-facilities-for-treatment-of-effluent:

6 THAT--PART--OF--LOTS-2-AND-3-OF-LARSON'S-SUBDIVISION
 7 DESCRIBED-AS-FOLLOWS:-COMMENCING--AT--THE--NORTHWEST
 8 CORNER--OF--SAID--LOT--3-BEING-ON-THE-CENTER-LINE-OF
 9 STATE-ROUTE--NO.--31;-THENCE--SOUTH--7--DEGREES--01
 10 MINUTES--WEST--ALONG-SAID-CENTER-LINE-46.58-FEET-FOR
 11 THE-POINT-OF-BEGINNING;-THENCE-NORTH--7--DEGREES--01
 12 MINUTES--EAST--ALONG--SAID--CENTER--LINE-91.58-FEET;
 13 THENCE-SOUTH-88-DEGREES--31--MINUTES--EAST--PARALLEL
 14 WITH--THE--NORTH--LINE-OF-SAID-LOT-3,-781.87-FEET-TO
 15 THE-EASTERLY-LINE-OF-SAID-LOT--2;-THENCE--SOUTH--19
 16 DEGREES--40-MINUTES-WEST-ALONG-THE-EASTERLY-LINES-OF
 17 LOTS-2-AND-3-106.9-FEET;-THENCE-SOUTH-9--DEGREES--39
 18 MINUTES--EAST-ALONG-THE-EASTERLY-LINE-OF-SAID-LOT-3,
 19 70.83-FEET-TO-A--LINE--DRAWN--SOUTH--82--DEGREES--36
 20 MINUTES--EAST,-PARALLEL--WITH-THE-SOUTHERLY-LINE-OF
 21 SAID-LOT-3,-FROM--THE--PLACE--OF--BEGINNING;-THENCE
 22 NORTH-82-DEGREES-36-MINUTES-WEST-ALONG-SAID-PARALLEL
 23 LINE--775.16--FEET-TO-THE-PLACE-OF-BEGINNING,-IN-THE
 24 TOWNSHIP-OF-OSWEGO,-KENDALL-COUNTY,-ILLINOIS.

ALSO:

26 THAT--PART--OF--THE--SOUTHWEST--1/4--OF--SECTION--5,
 27 TOWNSHIP--37--NORTH,-RANGE--8--EAST--OF--THE--THIRD
 28 PRINCIPAL-MERIDIAN,-DESCRIBED-AS-FOLLOWS:-COMMENCING
 29 AT-THE-NORTHWEST-CORNER-OF-THE-SOUTHWEST--FRACTIONAL
 30 QUARTER--OF-SECTION-6,-TOWNSHIP-AND-RANGE-AFORESAID;
 31 THENCE-SOUTH-ALONG-THE-WEST-LINE-OF-SAID-SECTION--6,
 32 1363.34--FEET;-THENCE--SOUTH--82-DEGREES-36-MINUTES
 33 EAST-5298.7-FEET-TO-THE-WESTERLY-BANK-OF-FOX--RIVER;
 34 THENCE--NORTH--18-DEGREES-46-MINUTES-WEST-ALONG-SAID

1 WESTERLY-BANK-192.5-FEET-FOR-THE-POINT-OF-BEGINNING;
 2 THENCE-NORTH-18-DEGREES-46-MINUTES-WEST--ALONG--SAID
 3 WESTERLY-BANK-44.35-FEET;-THENCE-NORTH-37-DEGREES-16
 4 MINUTES--WEST--ALONG--SAID-WESTERLY-BANK-227.8-FEET;
 5 THENCE-NORTH-82-DEGREES-36-MINUTES-WEST--867.3--FEET
 6 TO--THE--CENTER--LINE--OF--THE-ORIGINAL-ROAD;-THENCE
 7 SOUTHERLY-ALONG-SAID-CENTER-LINE-200-FEET-TO-A--LINE
 8 DRAWN--NORTH--82--DEGREES--36--MINUTES-WEST-FROM-THE
 9 POINT-OF--BEGINNING;---THENCE--SOUTH--82--DEGREES--36
 10 MINUTES-EAST-1014.21-FEET-TO-THE-POINT-OF-BEGINNING;
 11 IN-THE-TOWNSHIP-OF-OSWEGO, KENDALL-COUNTY, ILLINOIS.

ALSO:

PARCEL ONE:

12
 13
 14 LOT--5--OF-LARSON'S-SUBDIVISION, TOWNSHIP-OF-OSWEGO,
 15 KENDALL-COUNTY, ILLINOIS.

PARCEL TWO:

16
 17 THAT--PART--OF--THE--SOUTHWEST--1/4--OF--SECTION--5,
 18 TOWNSHIP--37--NORTH,--RANGE--8--EAST--OF--THE--THIRD
 19 PRINCIPAL-MERIDIAN-DESCRIBED-AS-FOLLOWS:-COMMENCING
 20 AT--THE--INTERSECTION--OF--THE--SOUTH--LINE--OF-SAID
 21 SECTION-5-WITH-THE-CENTER--LINE--OF--ILLINOIS--STATE
 22 ROUTE--NUMBER--31;-THENCE-NORTH-6-DEGREES-44-MINUTES
 23 EAST-ALONG-SAID--CENTER--LINE--745.75--FEET;---THENCE
 24 SOUTH--82--DEGREES--30--MINUTES-EAST-100-FEET-TO-THE
 25 POINT-OF-BEGINNING;-THENCE--SOUTHWESTERLY--AT--RIGHT
 26 ANGLES--WITH--THE--LAST--DESCRIBED-COURSE,--110-FEET;
 27 THENCE-SOUTH-83--DEGREES--30--MINUTES--EAST--TO--THE
 28 CENTER--THREAD--OF--THE--FOX-RIVER;-THENCE-NORTHERLY
 29 ALONG-SAID-CENTER-THREAD-TO-A-LINE--DRAWN--SOUTH--82
 30 DEGREES--30-MINUTES-EAST-FOR-THE-POINT-OF-BEGINNING;
 31 THENCE-NORTH-82-DEGREES-30-MINUTES-WEST-TO-THE-POINT
 32 OF-BEGINNING;-IN-THE--TOWNSHIP--OF--OSWEGO,--KENDALL
 33 COUNTY, ILLINOIS.

ALSO:

34

1 THAT--PART--OF--THE--SOUTH--1/2--OF--THE--WEST--PART--OF
2 SECTION-5,--TOWNSHIP-37-NORTH,--RANGE-8--EAST--OF--THE
3 THIRD--PRINCIPAL--MERIDIAN--WHICH--LIES--EAST--OF--THE
4 CENTER-LINE-OF-STATE-ROUTE-NO.-31--AND--SOUTH--OF--A
5 LINE-EXTENDING-SOUTH-82-DEGREES-30-MINUTES-EAST-FROM
6 A-POINT-IN-THE-SAID-CENTER-LINE-OF-SAID-HIGHWAY-THAT
7 IS--NORTH-6-DEGREES-44-MINUTES-EAST-745.75-FEET-FROM
8 THE-SOUTH-LINE-OF-SAID-SECTION-TO-THE-CENTER--THREAD
9 OF--THE--FOX--RIVER--(EXCEPT-THE-RIGHT-OF-WAY-OF-THE
10 SAID-STATE-ROUTE-NO.-31-AND-A-STRIP-IN-THE-NORTHWEST
11 CORNER-67-FEET-WIDE-AND-325-FEET-LONG-MEASURED-ALONG
12 THE-EASTERLY-LINE-OF-SAID-HIGHWAY,--USED-FOR-CEMETERY
13 PURPOSES,--AND-ALSO-EXCEPT-THAT-PART-LYING--SOUTH--OF
14 THE--NORTH--LINE--OF--PREMISES--CONVEYED--TO--THE
15 COMMONWEALTH--EDISON--COMPANY--BY--WARRANTY--DEED
16 RECORDED-OCTOBER-9,--1959-AS-DOCUMENT-127020-AND-ALSO
17 EXCEPT-THAT-PART-DESCRIBED-AS-FOLLOWS:--COMMENCING-AT
18 THE-INTERSECTION-OF-THE-SOUTH-LINE-OF-SAID-SECTION-5
19 WITH-THE-CENTER-LINE-OF-ILLINOIS-STATE-ROUTE-NO.-31;
20 THENCE--NORTH--6--DEGREES-44-MINUTES-EAST-ALONG-SAID
21 CENTER-LINE-745.75-FEET;--THENCE-SOUTH-82-DEGREES--30
22 MINUTES--EAST--100--FEET-FOR-THE-POINT-OF-BEGINNING;
23 THENCE-SOUTHWESTERLY-AT-RIGHT-ANGLES-WITH--THE--LAST
24 DESCRIBED--COURSE,--110-FEET;--THENCE-SOUTH-82-DEGREES
25 30-MINUTES-EAST-TO-THE--CENTER--THREAD--OF--THE--FOX
26 RIVER;--THENCE-NORTHERLY-ALONG-SAID-CENTER-THREAD-TO
27 A-LINE-DRAWN-SOUTH-82-DEGREES-30-MINUTES--EAST--FROM
28 THE--POINT--OF-BEGINNING;--THENCE-NORTH-82-DEGREES-30
29 MINUTES-WEST-TO-THE--POINT--OF--BEGINNING),--IN--THE
30 TOWNSHIP-OF-OSWEGO,--KENDALL-COUNTY,--ILLINOIS;
31 (88)--for--a--period--of--12--months--after--the--effective
32 date--of--this--amendatory--Act--of--the--91st--General--Assembly,
33 by--St.-Clair--County,--for--the--acquisition--of--property
34 necessary--for--the--purpose--of--the--following--county--road

1 improvements-in-the-City-of-O^lFallon-and-the--Village--of
 2 Shiloh:----Seetion---95-00301-02-PV,---Hartman---Lane--to
 3 Shiloh-O^lFallon-Road,--2.45-miles-of-concrete-pavement,--24
 4 feet--wide,--10-foot--shoulders,--a--95-foot--single-span
 5 bridge,--earthwork,--and-traffic-signals;

6 (89)--for-a-period-of-12-months-after--the--effective
 7 date-of-this-amendatory-Act-of-the-91st-General-Assembly,
 8 by--St.--Clair--County,--for--the-acquisition-of-property
 9 necessary-for-the-purpose-of-the--following--county--road
 10 improvements--in--the--City-of-Fairview-Heights:--Seetion
 11 97-00301-04-PV,--Metro-Link-Station-to-Illinois-Route-159,
 12 2.04-miles-of-concrete-pavement,--24--feet--wide,--10-foot
 13 shoulders,--earthwork,--and-traffic-signals;

14 (90)--for--a-period-of-12-months-after-the-effective
 15 date-of-this-amendatory-Act-of-the-91st-General-Assembly,
 16 by--St.--Clair-County,--for--the--acquisition--of--property
 17 necessary--for--the--purpose-of-the-following-county-road
 18 improvements--in---the---City---of---O^lFallon:----Seetion
 19 97-03080-05-PV,--Jennifer--Court--to-Station-122+50,--1.52
 20 miles-of-concrete-pavement,--24-to-40-feet--wide,--10-foot
 21 shoulders,--earthwork,--storm-sewers,--curbs,--and-gutters;

22 (91)--for--a-period-of-12-months-after-the-effective
 23 date-of-this-amendatory-Act-of-the-91st-General-Assembly,
 24 by--Madison--County,--for--the--acquisition--of--property
 25 necessary-for-the-purpose-of-approximately-2.4--miles--of
 26 roadwork-commencing-at-the-intersection-of-Illinois-Route
 27 143-northerly-over,--adjacent-to,--and-near-the-location-of
 28 County--Highway--19--(locally-known-as-Birch-Drive)--to-the
 29 intersection-of--Buehls--Road,--traversing--through--land
 30 sections--19,--20,--29,--30,--and-31-of-Ft.--Russell-Township,
 31 the--work--to--consist--of--excavation,--fill--placement,
 32 concrete-structures,--and-an-aggregate-and-bituminous-base
 33 with-bituminous-binder-and-surfacing;

34 (92)--for-a-period-of-2--years--after--the--effective

1 date-of-this-amendatory-Act-of-the-91st-General-Assembly,
 2 by-Lake-County,-for-the-acquisition-of-property-necessary
 3 for--the--purpose--of-improving-County-Highway-70-(Hawley
 4 Street)-from--Chevy--Chase--Road--to--County--Highway--26
 5 (Gilmer-Road);

6 (93)--for--a-period-of-12-months-after-the-effective
 7 date-of-this-amendatory-Act-of-the-91st-General-Assembly,
 8 by-Kendall-County,-for-the-acquisition-of--the--following
 9 described--property--for-the-purpose-of-road-construction
 10 or-improvements,-including-construction-of-a--bridge--and
 11 related-improvements:

12 THAT--PART--OF--THE--EAST--1/2-OF-SECTION-24,-TOWNSHIP-37
 13 NORTH,-RANGE-7-EAST--OF--THE--THIRD--PRINCIPAL--MERIDIAN,
 14 KENDALL-COUNTY,-ILLINOIS-DESCRIBED-AS-FOLLOWS:-COMMENCING
 15 AT--THE-NORTHEAST-CORNER-OF-LOT-4-OF-CHRISTIE-C.-HERREN'S
 16 2ND-SUBDIVISION;-THENCE-ON-AN-ASSUMED--BEARING--NORTH--89
 17 DEGREES--32-MINUTES-05-SECONDS-EAST,-33.00-FEET-ALONG-THE
 18 EASTERLY-EXTENSION-OF-THE-NORTH-LINE-OF-SAID-LOT-4-TO-THE
 19 CENTER-LINE-OF-MINKLER-ROAD;-THENCE-NORTH--0--DEGREES--27
 20 MINUTES--55--SECONDS-WEST,-1,585.91-FEET-ALONG-THE-CENTER
 21 LINE-OF-MINKLER-ROAD-TO-THE-CENTER-LINE-OF-ILLINOIS-ROUTE
 22 71;-THENCE-NORTH-0-DEGREES-53-MINUTES--06--SECONDS--WEST,
 23 1,084.14--FEET--ALONG-THE-CENTER-LINE-OF-MINKLER-ROAD-AND
 24 THE-NORTHERLY-EXTENSION-THEREOF-TO-THE-NORTH-RIGHT-OF-WAY
 25 LINE-OF-THE-BURLINGTON-NORTHERN-SANTA-FE-RAILROAD-FOR-THE
 26 POINT-OF-BEGINNING;-THENCE-CONTINUING-NORTH-0-DEGREES--53
 27 MINUTES--06-SECONDS-WEST,-12.95-FEET-TO-THE-SOUTH-BANK-OF
 28 THE-FOX-RIVER;-THENCE-NORTH--84--DEGREES--02--MINUTES--18
 29 SECONDS--EAST,-192.09-FEET-ALONG-SAID-SOUTH-BANK;-THENCE
 30 SOUTH-23-DEGREES-08-MINUTES-48-SECONDS-EAST,-4.22-FEET-TO
 31 THE-NORTH-RIGHT-OF-WAY-LINE-OF--THE--BURLINGTON--NORTHERN
 32 SANTA--FE--RAILROAD;-THENCE--SOUTHWESTERLY,-194.71-FEET
 33 ALONG-A-3,956.53-FOOT-RADIUS--CURVE--TO--THE--LEFT--WHOSE
 34 CHORD--BEARS-SOUTH-81-DEGREES-25-MINUTES-34-SECONDS-WEST,

1 194.69 FEET TO THE POINT OF BEGINNING.

2 AND:

3 THAT PART OF THE EAST 1/2 OF SECTION 24, TOWNSHIP 37

4 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN,

5 KENDALL COUNTY, ILLINOIS DESCRIBED AS FOLLOWS: COMMENCING

6 AT THE NORTHEAST CORNER OF LOT 4 OF CHRISTIE C. HERREN'S

7 2ND SUBDIVISION; THENCE ON AN ASSUMED BEARING NORTH 89

8 DEGREES 32 MINUTES 05 SECONDS EAST, 33.00 FEET ALONG THE

9 EASTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 4 TO THE

10 CENTER LINE OF MINKLER ROAD; THENCE NORTH 0 DEGREES 27

11 MINUTES 55 SECONDS WEST, 1,585.91 FEET ALONG THE CENTER

12 LINE OF MINKLER ROAD TO THE CENTER LINE OF ILLINOIS ROUTE

13 71 FOR THE POINT OF BEGINNING; THENCE NORTH 0 DEGREES 53

14 MINUTES 06 SECONDS WEST, 52.33 FEET ALONG THE CENTER LINE

15 OF MINKLER ROAD; THENCE NORTH 72 DEGREES 01 MINUTES 36

16 SECONDS EAST, 130.87 FEET ALONG THE NORTH RIGHT OF WAY

17 LINE OF ILLINOIS ROUTE 71; THENCE NORTH 18 DEGREES 09

18 MINUTES 27 SECONDS WEST, 111.00 FEET; THENCE NORTH 74

19 DEGREES 41 MINUTES 24 SECONDS EAST, 40.24 FEET; THENCE

20 NORTH 3 DEGREES 05 MINUTES 16 SECONDS WEST, 239.00 FEET;

21 THENCE SOUTH 89 DEGREES 29 MINUTES 13 SECONDS WEST, 69.62

22 FEET; THENCE SOUTH 43 DEGREES 09 MINUTES 14 SECONDS WEST,

23 46.47 FEET; THENCE SOUTH 89 DEGREES 06 MINUTES 54 SECONDS

24 WEST, 20.00 FEET TO THE CENTER LINE OF MINKLER ROAD;

25 THENCE NORTH 0 DEGREES 53 MINUTES 06 SECONDS WEST, 595.48

26 FEET ALONG SAID CENTER LINE AND SAID CENTER LINE EXTENDED

27 NORTHERLY TO THE SOUTH RIGHT OF WAY LINE OF THE

28 BURLINGTON NORTHERN SANTA FE RAILROAD; THENCE EASTERLY,

29 222.77 FEET ALONG A 3,881.53 FOOT RADIUS CURVE TO THE

30 RIGHT WHOSE CHORD BEARS NORTH 81 DEGREES 28 MINUTES 59

31 SECONDS EAST, 222.74 FEET; THENCE SOUTH 20 DEGREES 43

32 MINUTES 16 SECONDS EAST, 119.40 FEET; THENCE SOUTHERLY,

33 237.80 FEET ALONG A 717.37 FEET RADIUS CURVE TO THE RIGHT

34 WHOSE CHORD BEARS SOUTH 11 DEGREES 13 MINUTES 29 SECONDS

1 EAST, 236.71 FEET; THENCE SOUTH 1 DEGREES 43 MINUTES 42
2 SECONDS EAST, 471.58 FEET; THENCE SOUTH 55 DEGREES 31
3 MINUTES 50 SECONDS EAST, 63.07 FEET; THENCE NORTH 72
4 DEGREES 01 MINUTES 36 SECONDS EAST, 86.50 FEET; THENCE
5 SOUTH 17 DEGREES 58 MINUTES 24 SECONDS EAST, 20.00 FEET
6 TO THE EXISTING NORTH RIGHT OF WAY LINE OF ILLINOIS ROUTE
7 71; THENCE NORTH 72 DEGREES 01 MINUTES 36 SECONDS EAST,
8 350.00 FEET ALONG SAID NORTH RIGHT OF WAY LINE OF
9 ILLINOIS ROUTE 71; THENCE SOUTH 17 DEGREES 58 MINUTES 24
10 SECONDS EAST, 50.00 FEET TO THE CENTER LINE OF ILLINOIS
11 ROUTE 71; THENCE SOUTH 72 DEGREES 01 MINUTES 36 SECONDS
12 WEST, 836.88 FEET ALONG SAID CENTER LINE TO THE POINT OF
13 BEGINNING.

14 AND:

15 THAT PART OF THE EAST 1/2 OF SECTION 24, TOWNSHIP 37
16 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN,
17 KENDALL COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:
18 COMMENCING AT THE NORTHEAST CORNER OF LOT 4 OF CHRISTIE
19 C. HERREN'S 2ND SUBDIVISION; THENCE ON AN ASSUMED BEARING
20 NORTH 89 DEGREES 32 MINUTES 05 SECONDS EAST, 33.00 FEET
21 ALONG THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID
22 LOT 4 TO THE CENTER LINE OF MINKLER ROAD; THENCE NORTH 0
23 DEGREES 27 MINUTES 55 SECONDS WEST, 1,585.91 FEET ALONG
24 SAID CENTER LINE TO THE CENTER LINE OF ILLINOIS ROUTE 71
25 FOR THE POINT OF BEGINNING; THENCE NORTH 72 DEGREES 01
26 MINUTES 36 SECONDS EAST, 836.88 FEET ALONG THE CENTER
27 LINE OF ILLINOIS ROUTE 71; THENCE SOUTH 17 DEGREES 58
28 MINUTES 24 SECONDS EAST, 50.00 FEET TO THE SOUTH
29 RIGHT OF WAY LINE OF ILLINOIS ROUTE 71; THENCE SOUTH 64
30 DEGREES 54 MINUTES 06 SECONDS WEST, 201.56 FEET; THENCE
31 SOUTH 72 DEGREES 01 MINUTES 36 SECONDS WEST, 331.43 FEET;
32 THENCE SOUTH 1 DEGREES 55 MINUTES 17 SECONDS WEST, 144.09
33 FEET; THENCE SOUTHERLY 327.44 FEET ALONG AN 853.94 FOOT
34 RADIUS CURVE TO THE RIGHT WHOSE CHORD BEARS SOUTH 12

1 DEGREES--54-MINUTES-22--SECONDS-WEST₇-325.44-FEET;-THENCE
2 SOUTH-23-DEGREES--53--MINUTES--28--SECONDS--WEST₇--211.52
3 FEET;-THENCE--SOUTHERLY--289.43-FEET-ALONG-A-673.94-FOOT
4 RADIUS-CURVE-TO-THE-LEFT--WHOSE---CHORD--BEARS--SOUTH--11
5 DEGREES--35--MINUTES-17-SECONDS-WEST₇-287.21-FEET;-THENCE
6 SOUTH-0-DEGREES-42-MINUTES-55-SECONDS-EAST₇-135.43--FEET;
7 THENCE-SOUTH-89-DEGREES-17-MINUTES-05-SECONDS-WEST₇-85.98
8 FEET--TO--THE-CENTER-LINE-OF-MINKLER-ROAD;-THENCE-NORTH-0
9 DEGREES-27-MINUTES-55-SECONDS--WEST₇--459.31--FEET--ALONG
10 SAID--CENTER--LINE;-THENCE-NORTH-21-DEGREES-25-MINUTES-47
11 SECONDS-EAST₇-232.86-FEET;-THENCE-NORTHERLY--266.09--FEET
12 ALONG--A-693.94-FOOT-RADIUS-CURVE-TO-THE-LEFT-WHOSE-CHORD
13 BEARS-NORTH-12-DEGREES-54-MINUTES-22-SECONDS-EAST₇-264.46
14 FEET;-THENCE-NORTH-1-DEGREES-55-MINUTES-17-SECONDS--EAST₇
15 64.92-FEET;-THENCE-NORTH-53-DEGREES-01-MINUTES-20-SECONDS
16 WEST₇--30.54--FEET;-THENCE-SOUTH-72-DEGREES-01-MINUTES-36
17 SECONDS-WEST₇-132.59-FEET-TO-THE-CENTER-LINE--OF--MINKLER
18 ROAD;-THENCE-NORTH-0-DEGREES-27-MINUTES-55-SECONDS-WEST₇
19 73.38-FEET--ALONG--SAID--CENTER--LINE--TO--THE--POINT--OF
20 BEGINNING;

21 (94)--For--a--period--of-2-years-after-the-effective
22 date-of-this-amendatory-Act-of-the-91st-General-Assembly,
23 by-DuPage-Public-Safety-Communications-(DU-COMM),-a--unit
24 of--intergovernmental-cooperation,-for-the-acquisition-of
25 property-including-land,-buildings,-towers,-fixtures,-and
26 other-improvements-located-at--Cloverdale,-Illinois--and
27 described-as-follows:

28 A--tract-or-parcel-of-land-situated-in-the-Southeast
29 Quarter-(SE-1/4)-of--Section--Twenty-one--(21),-Township
30 Forty--(40)--North,-Range--Ten--(10)--East--of-the-Third
31 Principal--Meridian,-more--particularly--described--as
32 follows:

33 Commencing--at--the--Southwest--corner--of--the
34 Southeast---Quarter---(SE---1/4)---of--said--Section

1 Twenty-one-(21), measure North, along the West line
 2 of the Southeast Quarter (SE-1/4) of said Section
 3 Twenty-one-(21)-1287.35 feet, then East at right
 4 angles to the said West line of the Southeast
 5 Quarter (SE-1/4) of said Section Twenty-one-(21),
 6 292.57 feet to the point of beginning;

7 Thence East along the last described course
 8 208.71 feet, thence South at right angles to the
 9 last described course 208.71 feet, thence West at
 10 right angles to the last described course 208.71
 11 feet, thence North in a direct line 208.71 feet to
 12 the point of beginning; also

13 A right-of-way and easement thirty-three-(33) feet
 14 in width for the construction, maintenance, and use of
 15 (a) a roadway suitable for vehicular traffic, and (b)
 16 such aerial or underground electric power and
 17 communication lines as said Company may from time to time
 18 desire, consisting of poles, wires, cables, conduits,
 19 guys, anchors, and other fixtures and appurtenances, the
 20 center line of which right-of-way and easement is
 21 described as follows:

22 Commencing at a point on the West line of the
 23 tract or parcel of land above described, distant
 24 Southerly 16.5 feet from the Northwest corner of
 25 said tract or parcel, thence Westerly at right
 26 angles to the West line of the Southeast Quarter (SE
 27 1/4) of said Section Twenty-one-(21), 293 feet more
 28 or less to the public road situated on the West line
 29 of the Southeast Quarter (SE-1/4) of said Section
 30 Twenty-one-(21), Township and Range aforesaid;

31 (95) for a period of 3 years after the effective date of
 32 this amendatory Act of the 91st General Assembly (in the case
 33 of the permanent easements described in items (A) and (C)),
 34 by the City of Crest Hill, for acquisition of the following

1 easements:

2 (A)---Permanent---easement---for---the---purposes---of
3 installation, maintenance, and use of water or sewer, or
4 both water and sewer, lines in, along, through, and under
5 the following legally described property:

6 The East 70 feet of the North half of the North half
7 of the Southeast Quarter of Section 30, Township 36
8 North, and in Range 10, East of the Third Principal
9 Meridian (Except therefrom the North 12 Rods of the East
10 13 1/2 Rods thereof, and also except the South 99 feet of
11 the East 440 feet thereof), in Will County, Illinois.

12 (B)---Temporary---easement---for---purposes---of---initial
13 construction of the water or sewer, or both water and
14 sewer, lines in, along, through, and under the permanent
15 easement described in item (A). The temporary easement
16 herein shall arise on September 1, 1999 and shall cease
17 on August 31, 2001 and is legally described as follows:

18 The East 100 feet of the North half of the North
19 half of the Southeast Quarter of Section 30, Township 36
20 North, and in Range 10, East of the Third Principal
21 Meridian (Except therefrom the North 12 Rods of the East
22 13 1/2 Rods thereof, and also except the South 99 feet of
23 the East 440 feet thereof), in Will County, Illinois.

24 (C)---Permanent---easement---for---the---purposes---of
25 installation, maintenance, and use of water or sewer, or
26 both water and sewer, lines in, along, through, and under
27 the following legally described property:

28 The East 70 feet of the West 120 feet of the South
29 half of the Southeast Quarter of Section 30, in township
30 36 North, and in Range 10 East of the Third Principal
31 Meridian, in Will County, Illinois, excepting therefrom
32 the following described tracts:

33 Exception 1: That part of said South half lying
34 Southwesterly of the Northeasterly right-of-way line of

1 the-Elgin,-Joliet-and-Eastern-Railway--Company,-in-Will
2 County,-Illinois-

3 Exception--2:-The-West-200-feet-of-said-South-half,
4 in-Will-County,-Illinois-

5 Exception-3:-That-part-of--the--South--half--of--the
6 Southeast--Quarter--of-Section-30,-Township-36-North,-and
7 in--Range--10--East--of--the--Third--Principal--Meridian,
8 described-as-follows:-Beginning-at-a-point-250-feet--East
9 of--the--West--line--of--said-South-half-of-the-Southeast
10 Quarter-and-180.58-feet-North-of-the-South-line--of--said
11 South-half-of-the-Southeast-Quarter;-thence-North-along-a
12 line--250-feet-East-of-and-parallel-with-the-West-line-of
13 said-Southeast-Quarter-a-distance-of-1004.55--feet--to--a
14 point;-thence--Northwesterly-along-a-diagonal-line-65.85
15 feet-to-its-intersection-with-a-line-drawn-200-feet--East
16 of--and--parallel--to--the--West--line--of-said-Southeast
17 Quarter,-said-point-also-being-100.75-feet-South--of--the
18 North--line--of-the-South-half-of-said-Southeast-Quarter,
19 as-measured-along-said-parallel-line;-thence-South--along
20 the--last--described--parallel-line-a-distance-of-1045.02
21 feet-to-a-point-50-feet-West-of-the--point--of--beginning
22 and-180.58-feet-North-of-the-South-line-of-said-Southeast
23 Quarter;-thence--East-50-feet-to-the-point-of-beginning,
24 in-Will-County,-Illinois-

25 Exception-4:-Beginning-at-the--Southeast--corner--of
26 the--Southeast--Quarter-of-Section-30,-Township-36-North,
27 and-in-Range-10-East-of--the--Third--Principal--Meridian,
28 thence--Northerly-along-the-East-line-of-said-Section-for
29 a-distance-of-346.5-feet;-thence-Westerly--along--a--line
30 346.5--feet-distant-from-and-parallel-with-the-South-line
31 of-said-Section--for--a--distance--of--297--feet;-thence
32 Southerly-along-a-line-297-feet-distant-from-and-parallel
33 with--the--East--line--of--said-Section-for-a-distance-of
34 346.5-feet-to-a-point,-said-point-being-on-the-South-line

1 of-said-Section;-thence-Easterly-along-said-South-line-of
 2 said-Section-297-feet-to-the-point-of-beginning, in--Will
 3 County, Illinois.

4 Exception--5:--That--part--dedicated--for--highway
 5 purposes-in--instrument--recorded--January--28,--1986--as
 6 Document-No.-R86-03205-described-as-follows:-That-part-of
 7 the--South--half--of-the-Southeast-Quarter-of-Section-30,
 8 Township-36-North, and-in-Range--10--East--of--the--Third
 9 Principal--Meridian--bounded--and--described--as-follows:
 10 Beginning--at--the--point---of---intersection---of---the
 11 Northeasterly--right-of-way-line-of-the-Elgin, Joliet-and
 12 Eastern-Railway-Company--with--the--South--line--of--said
 13 Southeast--Quarter, thence-on-an-assumed-bearing-of-North
 14 90.00-degrees-00-minutes-00-seconds-East-along-said-South
 15 line-a-distance-of-288.02-feet;-thence-North--00--degrees
 16 00--minutes--00--seconds--East--a--distance-of-33.0-feet;
 17 thence-North-86-degrees-25--minutes--22--seconds--West--a
 18 distance-of-352.57-feet-to-the-Northeasterly-right-of-way
 19 line--of-said-railway-company;-thence-South-49-degrees-15
 20 minutes--53--seconds--East---along---said---Northeasterly
 21 right-of-way--line, a-distance-of-84.28-feet-to-the-point
 22 of-beginning, in-Will-County, Illinois.

23 Exception-6:-The-North-850-feet--of--the--East--1025
 24 feet--of--the--South--half--of--the--Southeast-Quarter-of
 25 Section-30, Township-36-North, and-in-Range--10--East--of
 26 the-Third-Principal-Meridian, in-Will-County, Illinois.

27 (D)--Temporary--easement--for--purposes--of--initial
 28 construction--of--the--water--or-sewer, or-both-water-and
 29 sewer, lines-in, along, through, and-under-the--permanent
 30 easement--described--in--item-(C).-The-temporary-easement
 31 herein-shall-arise-on-September-1, 1999-and--shall--cease
 32 on-August-31, 2001-and-is-legally-described-as-follows:

33 The--East-100-feet-of-the-West-150-feet-of-the-South
 34 half-of-the-Southeast-Quarter-of-Section-30, in--Township

1 36--North,--and--in--Range-10-East-of-the-Third-Principal
 2 Meridian,--in-Will-County,--Illinois,--excepting--therefrom
 3 the-following-described-tracts:

4 Exception--1:--That--part--of--said-South-half-lying
 5 Southwesterly-of-the-Northeasterly-right-of-way--line--of
 6 the--Elgin,--Joliet--and-Eastern-Railway-Company,--in-Will
 7 County,--Illinois.

8 Exception-2:--The-West-200-feet-of-said--South--half,
 9 in-Will-County,--Illinois.

10 Exception--3:--That--part--of--the-South-half-of-the
 11 Southeast-Quarter-of-Section-30,--Township-36--North,--and
 12 in--Range--10--East--of--the--Third--Principal--Meridian,
 13 described--as-follows:--Beginning-at-a-point-250-feet-East
 14 of-the-West-line-of-said--South--half--of--the--Southeast
 15 Quarter--and--180.58-feet-North-of-the-South-line-of-said
 16 South-half-of-the-Southeast-Quarter;--thence-North-along-a
 17 line-250-feet-East-of-and-parallel-with-the-West-line--of
 18 said--southeast--Quarter--a-distance-of-1004.55-feet-to-a
 19 point;--thence-Northwesterly-along-a-diagonal--line--65.85
 20 feet--to-its-intersection-with-a-line-drawn-200-feet-East
 21 of-and-parallel--to--the--West--line--of--said--Southeast
 22 Quarter,--said--point-also-being-100.75-feet-South-of-the
 23 North-line-of-the-South-half-of-said--Southeast--Quarter,
 24 as--measured-along-said-parallel-line;--thence-South-along
 25 the-last-described-parallel-line-a--distance--of--1045.02
 26 feet--to--a--point-50-feet-West-of-the-point-of-beginning
 27 and-180.58-feet-North-of-the-South-line-of-said-Southeast
 28 Quarter;--thence-East-50-feet-to-the-point--of--beginning,
 29 in-Will-County,--Illinois.

30 Exception--4:--Beginning--at-the-Southeast-corner-of
 31 the-Southeast-Quarter-of-Section-30,--Township--36--North,
 32 and--in--Range--10--East-of-the-Third-Principal-Meridian,
 33 thence-Northerly-along-the-East-line-of-said-Section--for
 34 a--distance--of--346.5-feet;--thence-Westerly-along-a-line

1 346.5-feet-distant-from-and-parallel-with-the-South--line
 2 of--said--Section--for--a--distance--of--297-feet;-thence
 3 Southerly-along-a-line-297-feet-distant-from-and-parallel
 4 with-the-East-line-of-said--Section--for--a--distance--of
 5 346.5-feet-to-a-point,-said-point-being-on-the-South-line
 6 of-said-Section;-thence-Easterly-along-said-South-line-of
 7 said--Section-297-feet-to-the-point-of-beginning,-in-Will
 8 County,-Illinois.

9 Exception--5:-That-part--dedicated---for---highway
 10 purposes--in--instrument--recorded--January--28,-1986-as
 11 Document-No.-R86-03205-described-as-follows:-That-part-of
 12 the-South-half-of-the-Southeast-Quarter--of--Section--30,
 13 Township--36--North,-and--in--Range-10-East-of-the-Third
 14 Principal-Meridian--bounded--and--described--as--follows:
 15 Beginning---at---the---point---of---intersection--of--the
 16 Northeasterly-right-of-way-line-of-the-Elgin,-Joliet--and
 17 Eastern--Railway--Company--with--the--South--line-of-said
 18 Southeast-Quarter;-thence-on-an-assumed-bearing-of--North
 19 90.00-degrees-00-minutes-00-seconds-East-along-said-South
 20 line--a--distance-of-288.02-feet;-thence-North-00-degrees
 21 00-minutes-00-seconds--East--a--distance--of--33.0--feet;
 22 thence--North--86--degrees--25--minutes-22-seconds-West-a
 23 distance-of-352.57-feet-to-the-Northeasterly-right-of-way
 24 line-of-said-railway-company;-thence-South-49-degrees--15
 25 minutes---53---seconds---East--along--said--Northeasterly
 26 right-of-way-line,-a-distance-of-84.28-feet-to-the--point
 27 of-beginning,-in-Will-County,-Illinois.

28 Exception--6:-The--North--850-feet-of-the-East-1025
 29 feet-of-the--South--half--of--the--Southeast--Quarter--of
 30 Section--30,-Township--36-North,-and-in-Range-10-East-of
 31 the-Third-Principal-Meridian,-in-Will-County,-Illinois;
 32 (96)-for-a-period-of-4-years-after-the-effective-date--of
 33 this--amendatory--Act--of--the--91st-General-Assembly,-by-the
 34 Village-of-Palatine,-for-the--acquisition--of--the--following

1 described--property--for--the--purpose--of--revitalizing--the
2 downtown-business-area;

3 Lots--1--through--3--in-Block-D-of-the-Subdivision-of-the
4 North-24.60-acres-in-the-NE-1/4-of-the-NE-1/4-of-Section--22,
5 Township--42,--Range-10-East-of-the-Third-Principal-Meridian,
6 in-Cook-County,--IL;

7 Property---bounded---by---Bothwell---Street,---Railroad
8 right-of-way,--Plum--Grove--Road--and--Chicago--Avenue-in-the
9 Village-of-Palatine;

10 Lots-1-through-8-in-Block-K,--of-the-Town-of--Palatine,--a
11 subdivision-of-the-West-16-2/3-acres-of-the-South-31-acres-of
12 the--West--1/2--of--the--Southwest--1/4-of-Section-14-and-the
13 Southeast-24.12-acres-of-the-South-31-acres-of-the--East--1/2
14 of--the-Southeast-1/4-of-Section-15,--Township-42-North,--Range
15 10,--East--of--the--Third--Principal--Meridian,---Ante-Fire,
16 Re-recorded--April--10,--1877--as--Document--129579,--in-Cook
17 County,--Illinois;

18 Property-bounded-by-Wilson-Street,--Plum-Grove-Road,--Slade
19 Street,--Railroad-right-of-way--and--Bothwell--Street--in--the
20 Village-of-Palatine;

21 Lots-1-through-8-in-Block-8-of-the-Subdivision-of-part-of
22 the-East-1/2-of-the-SE-1/4-Section,--Ante-Fire,--Re-recorded-on
23 April-10,--1877-as-Document-Number-129579;

24 Lots--20--and--21--and--the--West-71.25-feet-of-Lot-24-of
25 Arthur-F.-McIntosh-and--Company's--Palatine--Farms,--being--a
26 subdivision--of-Section-16,--Township-42,--Range-10-East-of-the
27 Third-Principal-Meridian,--in-Cook--County,--IL,--recorded--on
28 June-16,--1919;

29 Lots-1-through-3-of-Millin's-Subdivision-of-the-SE-1/4-of
30 Section--15,---Township--42,--Range--10--East--of--the-Third
31 Principal-Meridian,--in-Cook-County,--IL;

32 Property-bounded--by--Colfax--Street,--Smith--Street--and
33 Millin's--Subdivision--of-the-SE-1/4-of-Section-15,--Township
34 42,--Range-10-East-of-the-Third-Principal--Meridian,--in--Cook

1 County, IL;

2 Property--bounded--by--Wood--Street,--Brookway-Street-and
3 Railroad-right-of-way-in-the-Village-of-Palatine;

4 Lots-45-through--50--and--58--through--64--of--Arthur--T.
5 McIntosh-and-Company's-Palatine-Farms,--being-a-subdivision-of
6 Section-16,--Township-42,--Range-10-East-of-the-Third-Principal
7 Meridian,--in-Cook-County,--IL,--recorded-on-June-16,--1919;--and
8 Property--bounded--by--Railroad-right-of-way,--Brookway-Street
9 and-Slade-Street-in-the-Village-of-Palatine.

10 (b) In a proceeding subject to this Section, the
11 plaintiff, at any time after the complaint has been filed and
12 before judgment is entered in the proceeding, may file a
13 written motion requesting that, immediately or at some
14 specified later date, the plaintiff either be vested with the
15 fee simple title (or such lesser estate, interest or
16 easement, as may be required) to the real property, or
17 specified portion thereof, which is the subject of the
18 proceeding, and be authorized to take possession of and use
19 such property; or only be authorized to take possession of
20 and to use such property, if such possession and use, without
21 the vesting of title, are sufficient to permit the plaintiff
22 to proceed with the project until the final ascertainment of
23 compensation; however, no land or interests therein now or
24 hereafter owned, leased, controlled or operated and used by,
25 or necessary for the actual operation of, any common carrier
26 engaged in interstate commerce, or any other public utility
27 subject to the jurisdiction of the Illinois Commerce
28 Commission, shall be taken or appropriated hereunder by the
29 State of Illinois, the Illinois Toll Highway Authority, the
30 sanitary district, the St. Louis Metropolitan Area Airport
31 Authority or the Board of Trustees of the University of
32 Illinois without first securing the approval of such
33 Commission.

34 Except as hereinafter stated, the motion for taking shall

1 state: (1) an accurate description of the property to which
2 the motion relates and the estate or interest sought to be
3 acquired therein; (2) the formally adopted schedule or plan
4 of operation for the execution of the plaintiff's project;
5 (3) the situation of the property to which the motion
6 relates, with respect to the schedule or plan; (4) the
7 necessity for taking such property in the manner requested in
8 the motion; and (5) if the property (except property
9 described in Section 3 of the Sports Stadium Act, or property
10 described as Site B in Section 2 of the Metropolitan Pier and
11 Exposition Authority Act) to be taken is owned, leased,
12 controlled or operated and used by, or necessary for the
13 actual operation of, any interstate common carrier or other
14 public utility subject to the jurisdiction of the Illinois
15 Commerce Commission, a statement to the effect that the
16 approval of such proposed taking has been secured from such
17 Commission, and attaching to such motion a certified copy of
18 the order of such Commission granting such approval. If the
19 schedule or plan of operation is not set forth fully in the
20 motion, a copy of such schedule or plan shall be attached to
21 the motion.

22 (Source: P.A. 90-6, eff. 6-3-97; 90-14, eff. 7-1-97; 90-232,
23 eff. 7-25-97; 90-370, eff. 8-14-97; 90-581, eff. 5-22-98;
24 90-655, eff. 7-30-98; 90-663, eff. 7-30-98; 91-357, eff.
25 7-29-99; 91-367, eff. 7-30-99; revised 8-17-99.)

26 (735 ILCS 5/7-103.48)

27 Sec. 7-103.48. Quick-take; MetroLink Light Rail System.
28 Quick-take proceedings under Section 7-103 may be used for a
29 period of 48 36 months after January 16, 1997, by the
30 Bi-State Development Agency of the Missouri-Illinois
31 Metropolitan District for the acquisition of rights of way
32 and related property necessary for the construction and
33 operation of the MetroLink Light Rail System, beginning in

1 East St. Louis, Illinois, and terminating at Mid America
 2 Airport, St. Clair County, Illinois.
 3 (Source: P.A. 91-357, eff. 7-29-99; 91-367, eff. 7-30-99;
 4 revised 8-17-99.)

5 (735 ILCS 5/7-103.68)

6 Sec. 7-103.68. Quick-take; Village of Rosemont.
 7 Quick-take proceedings under Section 7-103 may be used for a
 8 period of 3 years after July 30, 1998, by the Village of
 9 Rosemont for redevelopment purposes, including infrastructure
 10 improvements, construction of streets, stormwater facilities,
 11 and drainage areas, and flood plain improvements, for the
 12 acquisition of property described as follows:

13 That part of the Northwest Quarter and that part of
 14 the Southwest Quarter of Section 3, Township 40 North,
 15 Range 12, East of the Third Principal Meridian, and being
 16 more particularly described as follows:

17 Beginning at the point of intersection of the west
 18 right-of-way line of River Road (as shown on the plat of
 19 subdivision for Gerhart Huehl Estates Division per
 20 document number 4572711) and the southerly line of Lot 7
 21 in said Gerhart Huehl Estates Division; thence north 14
 22 degrees 38 minutes 19 seconds west, along the aforesaid
 23 west right-of-way of River Road, to the point of
 24 intersection with a line drawn 490.0 feet south of and
 25 parallel to the north line of Lot 3 in the said Gerhart
 26 Huehl Estates Division; thence north 89 degrees 07
 27 minutes 41 seconds west, along the previously described
 28 parallel line 554.77 feet to the point, said point being
 29 540.00 feet east of the easterly right-of-way line of
 30 Schafer Court (Schafer Court being an unrecorded
 31 roadway); thence, north 0 degrees 00 minutes 00 seconds
 32 east, 284.12 feet to the point of intersection with south
 33 line of the aforesaid Lot 3 (said south line also being

1 the north line of Lot 6 in Gerhart Huehl Estates
2 Division); thence north 89 degrees 04 minutes 45 seconds
3 west, along the said south line of Lot 3, 478.29 feet to
4 the point of intersection with the aforesaid easterly
5 right-of-way line of Schafer Court; thence south 12
6 degrees 16 minutes 34 seconds west, along the said
7 easterly right-of-way line, 312.83 feet; thence south 18
8 degrees 09 minutes 05 seconds west, continuing along the
9 said easterly right-of-way line, 308.16 feet to the point
10 of intersection with the northerly right-of-way line of
11 Higgins Road as dedicated per document number 11056708;
12 thence, north 66 degrees 43 minutes 09 seconds west along
13 said northerly right-of-way line of Higgins Road to the
14 easterly right-of-way of the Northwest Toll Road; thence
15 southerly along said easterly right-of-way of the
16 Northwest Toll Road to the southerly right-of-way of
17 Maple Avenue extended westerly; thence easterly along
18 said southerly right-of-way line of Maple Avenue
19 (recorded as Bock Avenue) to the easterly right-of-way
20 line of Gage Street; thence northerly along said easterly
21 right-of-way line of Gage Street to the southerly line of
22 Lot 2 in River Rose Subdivision Unit 2 per document
23 number 19594706; thence easterly along the southerly line
24 of said Lot 2 in River Rose Subdivision Unit Number 2 and
25 said southerly line extended easterly to the easterly
26 right-of-way line of Glen Lake Drive (as dedicated in
27 River Rose Subdivision per Document Number 19352146 and
28 dedicated as Willow Creek Drive); thence southwesterly
29 along said easterly right-of-way line to the northwest
30 corner of Lot 1 in said River Rose Subdivision; thence
31 south 59 degrees 08 minutes 47 seconds east, along the
32 northerly lines of Lots 1 through 13 (both inclusive) in
33 the said River Rose subdivision, 757.48 feet to the most
34 northeasterly corner of said Lot 13; thence south 11

1 degrees 05 minutes 25 seconds west, along the easterly
2 line of said lot 13 in said River Rose Subdivision, 14.08
3 feet to the northerly line of Glen J. Nixon's subdivision
4 as per document 19753046; thence easterly along said
5 northerly line, 237.43 feet to the westerly right-of-way
6 of said Des Plaines River Road;

7 Thence southerly along said westerly right-of-way of
8 Des Plaines River Road to the southerly line of the
9 Northerly 90 feet of Lot 2 in said Glen J. Nixon's
10 subdivision; thence westerly along said southerly line to
11 the westerly line of said Glen J. Nixon's subdivision;
12 thence southerly along the said westerly line of Glen J.
13 Nixon's subdivision to the southerly right-of-way of an
14 unrecorded roadway; thence south 70 degrees 43 minutes 16
15 seconds west, along the southerly line of the unrecorded
16 roadway, 108.23 feet; thence continuing along the
17 southerly right-of-way of the unrecorded roadway, 95.34
18 feet along an arc of a circle whose radius is 110.00 feet
19 and being convex to the south; thence north 56 degrees 32
20 minutes 25 seconds west, continuing along the southerly
21 right-of-way of the said unrecorded roadway, 216.00 feet
22 to the southwest corner of said Glen Lake Drive as
23 dedicated in the aforesaid River Rose subdivision; thence
24 north 59 degrees 10 minutes 12 seconds west, along the
25 southerly right-of-way of said Glen Lake Drive, 327.48
26 feet, to the point of intersection with east line of Lot
27 8 in Block 1 in Higgins Road Ranchettes Subdivision per
28 Document Number 13820089; thence northerly along the east
29 line of said Lot 8, 97.24 feet to a point; said point
30 being 66.00 feet south of the northeast corner of said
31 Lot 8; thence north 89 degrees 36 minutes 54 seconds
32 west, along a line which is 66.00 feet south of and
33 parallel to the north line of Lots 3, 4, 5, 6, 7, and 8
34 in said Higgins Road Ranchettes Subdivision (said

1 parallel line also being the south line of an unrecorded
2 street known as Glenlake Street), 621.61 feet to the
3 point of intersection with the northeasterly right-of-way
4 line of Toll Road; the next four courses being along the
5 said northeasterly right-of-way line of the Toll Road;
6 thence south 21 degrees 28 minutes 12 seconds east,
7 219.81 feet; thence south 34 degrees 29 minutes 34
8 seconds east, 261.77 feet; thence south 52 degrees 02
9 minutes 04 seconds east, 114.21 feet; thence south 52
10 degrees 07 minutes 21 seconds east to the westerly line
11 (extended northerly) of Lots 83 through 87 inclusive in
12 Frederick H. Bartlett's River View Estates recorded as
13 Document Number 853426 in Cook County; thence southerly
14 along said westerly line to the southerly right-of-way
15 line of Thorndale Avenue; thence easterly along said
16 southerly right-of-way line of Thorndale Avenue 14.65
17 feet; thence southerly along a line parallel with the
18 said westerly line of Lots 83 through 87 inclusive and
19 14.38 feet easterly, 139.45 feet; thence southwesterly
20 along a line which ends in the southerly line of said Lot
21 84 extended westerly, 85.35 feet westerly from the
22 southwest corner of said Lot 84; thence easterly along
23 said southerly line to the westerly right-of-way of Des
24 Plaines River Road; thence northerly along said westerly
25 right-of-way line to the said northerly line of the Toll
26 Road; thence south 52 degrees 07 minutes 21 seconds east,
27 along said right-of-way to the centerline of said Des
28 Plaines River Road; thence south 11 degrees 06 minutes 48
29 seconds west, along said centerline, 1.47 feet; thence
30 south 55 degrees 56 minutes 09 seconds east, continuing
31 along the said northeasterly right-of-way line of the
32 Toll Road (said line also being the south line of Lot 1
33 in Rosemont Industrial Center per Document Number
34 20066369), 411.98 feet; thence south 61 degrees 51

1 minutes 06 seconds east, continuing along the said
2 northeasterly right-of-way line of the Toll Road (said
3 line also being along the south line of Lots 1, 2, and 5
4 in said Rosemont Industrial Center), 599.13 feet to the
5 southeast corner of said Lot 5; thence north 12 degrees
6 45 minutes 47 seconds east, along the east lines of Lots
7 3 and 5 in said Rosemont Industrial Center, 424.40 feet;
8 thence north 33 degrees 51 minutes 39 seconds east, along
9 the east lines of Lots 3 and 4 in the said Rosemont
10 Industrial Center, 241.42 feet to the northeast corner of
11 said Lot 4; thence north 33 degrees 51 minutes 40 seconds
12 east, 189.38 feet to the center of said Section 3; thence
13 north 2 degrees 42 minutes 55 seconds east, along the
14 east line of the northwest quarter of said Section 3,
15 375.90 feet to the point of intersection with the south
16 line of Higgins Road, as widened per Document Number
17 11045055; the next three courses being along the said
18 south right-of-way line of Higgins Road; thence north 64
19 degrees 30 minutes 51 seconds west, 53.65 feet; thence
20 northwesterly, 436.47 feet along an arc of a circle whose
21 radius is 1,482.69 feet and being convex to the
22 southwest; thence north 47 degrees 57 minutes 51 seconds
23 west, 73.57 feet; thence northeasterly, along an arc of a
24 circle whose radius is 5,679.65 feet and being convex to
25 the northeast, to a point of intersection of said
26 southerly right-of-way of Higgins Road and the
27 southeasterly line of the land conveyed to James H. Lomax
28 by Document Number 1444990; thence northeasterly along
29 said southeasterly line extended, 197 feet to the center
30 line of the Des Plaines River; thence north 49 degrees 11
31 minutes 20 seconds west 325.90 feet; thence continuing in
32 the said center line of the Des Plaines River, north 27
33 degrees 56 minutes 17 seconds west 370.53 feet; thence
34 north 12 degrees 10 minutes 40 seconds east, 16.0 feet;

1 thence southwesterly along said southeasterly line of Lot
2 7 extended in Gerhart Huehl Estates Division, to said
3 place of beginning;

4 Plus,

5 That part of the West half of the Northwest quarter
6 of Section 3, Township 40 North, Range 12 East of the
7 Third Principal Meridian, in Cook County, Illinois,
8 described as follows:

9 Beginning at the intersection of the South line of
10 Devon Avenue with the East line of Shafer Court being a
11 point 281.01 feet East of the West line of the
12 aforementioned West half of the Northwest quarter of
13 Section 33; thence Southerly along the East line of said
14 Shafer Court, 193.91 feet to the South line of Lot 3 in
15 Gerhart Huehl Estate Division according to the plat
16 thereof recorded June 3, 1910, as Document 4572711, being
17 a point 241.74 feet East of the aforementioned West half
18 of the Northwest quarter of Section 33; thence East along
19 the South line of said Lot 3, a distance of 508.5 feet to
20 a point 487.69 feet West of the centerline of River Road;
21 thence continuing easterly along the last described line
22 as extended to the west line of River Road; thence
23 northerly along the west line of River Road to the South
24 line of Devon Avenue; thence westerly along the south
25 line of Devon Avenue to the point of beginning;

26 Plus,

27 That part of the Southwest quarter of Section 3,
28 Township 40 North, Range 12 East of the Third Principal
29 Meridian, in Cook County, Illinois, described as follows:

30 Beginning at the Southeast corner of Rosemont
31 Industrial Center, being a subdivision recorded February
32 17, 1967 as Document 20066369; thence Northwesterly along
33 the South line of Rosemont Industrial Center aforesaid,
34 and said South line extended to the Westerly line of

1 River Road to the South; thence Southwesterly along said
 2 Westerly line, to the North line of Interstate 290;
 3 thence Easterly along said North line, to the West line
 4 of property owned by the Forest Preserve; thence along
 5 and then Northerly along the irregular West line of
 6 property owned by the Forest Preserve and extended across
 7 the Interstate 290 right-of-way, to the point of
 8 beginning;

9 Plus,

10 The Northerly 90 feet of Lot 2 in Glen J. Nixon's
 11 Subdivision of part of Lot 15 in Assessor's Division of
 12 part of Section 3, Township 40 North, Range 12, East of
 13 the Third Principal Meridian, according to the plat
 14 thereof recorded March 1, 1966 as Document 19753046, in
 15 Cook County, Illinois, (except therefrom that part used
 16 for River Road), all in Cook County.

17 PLUS,

18 THAT PART OF THE NORTHWEST QUARTER OF SECTION 3
 19 TOWNSHIP 40 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL
 20 MERIDIAN, AND BEING MORE PARTICULARLY DESCRIBED AS
 21 FOLLOWS:

22 BEGINNING AT THE POINT OF INTERSECTION OF THE
 23 EASTERLY RIGHT-OF-WAY LINE OF THE NORTHWEST TOLL ROAD AND
 24 THE SOUTHERLY RIGHT-OF-WAY LINE OF MAPLE AVENUE EXTENDED
 25 WESTERLY; THENCE EASTERLY ALONG SAID SOUTHERLY
 26 RIGHT-OF-WAY LINE OF MAPLE AVENUE (RECORDED AS BOCK
 27 AVENUE) TO THE EASTERLY RIGHT-OF-WAY LINE OF GAGE STREET;
 28 THENCE NORTHERLY ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF
 29 GAGE STREET TO THE SOUTHERLY LINE OF LOT 2 IN RIVER ROSE
 30 SUBDIVISION UNIT 2 PER DOCUMENT NUMBER 19594706; THENCE
 31 EASTERLY ALONG THE SOUTHERLY LINE OF SAID LOT 2 IN RIVER
 32 ROSE SUBDIVISION UNIT NUMBER 2 AND SAID SOUTHERLY LINE
 33 EXTENDED EASTERLY TO THE EASTERLY RIGHT-OF-WAY LINE OF
 34 GLEN LAKE DRIVE (AS DEDICATED IN RIVER ROSE SUBDIVISION

1 PER DOCUMENT NUMBER 19352146 AND DEDICATED AS WILLOW
2 CREEK DRIVE); THENCE SOUTHWESTERLY ALONG SAID EASTERLY
3 RIGHT-OF-WAY LINE TO THE NORTHWEST CORNER OF LOT 1 IN
4 SAID RIVER ROSE SUBDIVISION; THENCE SOUTHEASTERLY ALONG
5 THE NORTHERLY LINE OF SAID LOT 1 IN SAID RIVER ROSE
6 SUBDIVISION, 86.0 FEET TO THE NORTHEAST CORNER OF SAID
7 LOT 1; THENCE SOUTHWESTERLY ALONG THE EASTERLY LINE OF
8 SAID LOT 1, 120.0 FEET TO THE SOUTHEAST CORNER OF SAID
9 LOT 1; THENCE NORTHWESTERLY ALONG THE SOUTHERLY LINE OF
10 SAID LOT 1 AND THE NORTHERLY RIGHT-OF-WAY LINE OF RIVER
11 ROSE STREET (AS DEDICATED IN RIVER ROSE SUBDIVISION PER
12 DOCUMENT NUMBER 19352146), 34.3 FEET TO THE INTERSECTION
13 OF THE NORTHERLY RIGHT-OF-WAY LINE OF SAID RIVER ROSE
14 STREET AND THE EASTERLY LINE OF SAID WILLOW CREEK DRIVE,
15 ALSO BEING THE SOUTHWEST CORNER OF SAID LOT 1; THENCE
16 SOUTHEASTERLY ALONG THE EASTERLY RIGHT-OF-WAY LINE OF
17 SAID WILLOW CREEK DRIVE TO THE MOST SOUTHWESTERLY CORNER
18 OF LOT 27 IN SAID RIVER ROSE SUBDIVISION; THENCE
19 SOUTHWESTERLY TO THE INTERSECTION OF THE NORTHWESTERLY
20 CORNER OF LOT "B" IN SAID RIVER ROSE SUBDIVISION WITH THE
21 EAST LOT LINE OF LOT 8 IN BLOCK 1 IN HIGGINS ROAD
22 RANCHETTES SUBDIVISION PER DOCUMENT NUMBER 13820089;
23 THENCE NORTHERLY ALONG THE EAST LINE OF SAID LOT 8, 97.24
24 FEET TO A POINT; SAID POINT BEING 66.00 FEET SOUTH OF THE
25 NORTHEAST CORNER OF SAID LOT 8; THENCE WESTERLY, ALONG A
26 LINE WHICH IS 66.00 FEET SOUTH OF AND PARALLEL TO THE
27 NORTH LINE OF LOTS 3, 4, 5, 6, 7, AND 8 IN SAID HIGGINS
28 ROAD RANCHETTES SUBDIVISION AND THEN WESTERLY THEREOF
29 (SAID PARALLEL LINE ALSO BEING THE SOUTH LINE OF AN
30 UNRECORDED STREET KNOWN AS GLENLAKE STREET), TO THE POINT
31 OF INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF
32 THE AFORESAID NORTHWEST TOLL ROAD; THENCE NORTHWESTERLY
33 ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID NORTHWEST
34 TOLL ROAD TO THE POINT OF BEGINNING;

1 AREA 1:
2 That part of the South West Quarter of Section 33,
3 Township 41 North, Range 12 East of the third Principal
4 Meridian, lying North of a line 575 feet north (measured
5 at 90 degrees) of the South line of said South West
6 Quarter, lying West of a line 451.45 feet East (measured
7 at 90 degrees) of the West line of said South West
8 Quarter and South of the center line of Higgins Road
9 (except parts taken or used for highway purposes,
10 including the land taken by condemnation in Case No. 65 L
11 8179 Circuit Court of Cook County, Illinois, described as
12 follows: That part of the South West Quarter of Section
13 33, Township 41 North, Range 12 East of the Third
14 Principal Meridian, bounded and described as follows:
15 Beginning at a point of intersection of the center line
16 of Higgins Road, as now located and established with the
17 West line of the South West Quarter of said Section 33;
18 thence South along said West line of the South West
19 Quarter of said Section, a distance of 560.2 feet to a
20 point in the North line of the South 575.0 feet of said
21 South West Quarter of said Section 33; thence East along
22 said North line of the South 575.0 feet of the South West
23 Quarter of said Section 33, a distance of 45.0 feet to a
24 point; thence Northeasterly in a straight line a distance
25 of 179.27 feet to a point, distance 50.0 feet East,
26 measured at right angles from the West line of the South
27 West Quarter of said Section 33; thence Northeasterly in
28 a straight line a distance of 187.38 feet to a point,
29 distant 62.0 feet East, measured at right angles from
30 said West line of the South West Quarter of said Section
31 33; thence North parallel with the said West line of the
32 South West Quarter of said Section 33 a distance of 44.74
33 feet to a point of curvature; thence Northeasterly along
34 a curved line, concave to the Southeast, having a radius

1 of 50.0 feet and a central angle of 107 degrees 28
2 minutes, a distance of 93.73 feet to a point of tangency,
3 distant 50.0 feet Southwest measured at right angles from
4 the center line of Higgins Road; thence Southeasterly
5 parallel with the center line of Higgins Road, a distance
6 of 345.09 feet to a point on a line distant, 16.0 feet
7 west of the east line of the west 467.34 feet of the
8 South West Quarter of said Section 33; thence North in a
9 straight line a distance of 58.71 feet to a point on said
10 center line of Higgins Road; thence Northwesterly along
11 said center line of Higgins Road a distance of 478.23
12 feet to the place of beginning) in Cook County, Illinois.

13 AREA 2:

14 That part of the South West 1/4 of Section 33,
15 Township 41 North, Range 12, East of the Third Principal
16 Meridian, lying West of the West Right of Way Line of the
17 Minneapolis, St. Paul and Sault Ste. Marie Railroad
18 (formerly the Chicago and Wisconsin Railroad) and South
19 of the center line of Higgins Road (except therefrom the
20 South 200 feet of the West 467.84 feet of said South West
21 1/4 and also excepting therefrom that part of said South
22 West 1/4 lying North of the North line of the South 575
23 feet of said South West 1/4 and West of a line 16 feet
24 West of and parallel with the West line of the Tract of
25 land described in a Deed dated May 22, 1929, and recorded
26 July 9, 1929, as Document Number 10422646 (the Tract
27 described in said Deed being the East 10 acres of that
28 part of the South West 1/4 of Section 33, Township 41
29 North, Range 12, East of the Third Principal Meridian,
30 lying South of the Center line of Higgins Road and West
31 of the West line extended North to the center of said
32 Higgins Road of the East 20.62 chains of the North West
33 1/4 of Section 4, Township 40 North, Range 12, East of
34 the Third Principal Meridian (excepting therefrom the

1 right of way of the Minneapolis, St. Paul and Sault Ste.
 2 Marie Railroad, formerly the Chicago and Wisconsin
 3 Railroad) and also excepting the South 50 feet of the
 4 said South West 1/4 lying East of the West 467.84 feet
 5 thereof) and also excepting that portion of the land
 6 condemned for the widening of Higgins Road and Mannheim
 7 Road in Case Number 65 L7109, in Cook County, Illinois.

8 AREA 3:

9 The North 150 feet of the South 200 feet of that
 10 part of the South West 1/4 of Section 33, Township 41
 11 North, Range 12 East of the Third Principal Meridian
 12 (except the East 10 acres conveyed by George
 13 Deamantopulas and others, to Krowka by Document 10422646)
 14 lying South of the Center of Higgins Road (so called) and
 15 West of the West line extended North to center of Higgins
 16 Road of East 20.62 chains in the North West 1/4 of
 17 Section 4, Township 40 North, Range 12 East of the Third
 18 Principal Meridian (except the Right of Way of Chicago
 19 and Wisconsin Railroad) in Cook County, Illinois.

20 AREA 4:

21 That part of the Southwest quarter of Section 33,
 22 Township 41 North, Range 12 East of the Third Principal
 23 Meridian, in Cook County, Illinois, described as follows:

24 Beginning at the intersection of the South line of
 25 the Southwest quarter of Section 33 aforesaid with the
 26 West line, extended South, of Lot 7 in Frederick H.
 27 Bartlett's Higgins Road Farms, being a subdivision
 28 recorded December 8, 1938 as Document 12246559; thence
 29 North along the aforementioned West line of Lot 7, to the
 30 center line of Higgins Road; thence Westerly along the
 31 center line of Higgins Road, to the Westerly right-of-way
 32 line of the Minneapolis, St. Paul and Sault Ste. Marie
 33 Railroad; thence Southerly along said Westerly
 34 right-of-way line, to the South line of the Southwest

1 quarter of Section 33 aforesaid; thence East along said
2 South line to the point of beginning.

3 Area 5

4 The North 195.00 feet of the west 365.67 feet of the
5 West 1/2 of the Northeast 1/4 of Section 4, Township 40
6 North, Range 12 East of the Third Principal Meridian.

7 And also

8 The north 50.00 feet of the East 1/2 of the
9 Northwest 1/4 of said Section 4 (except that part lying
10 westerly of the easterly right-of-way line of the
11 Wisconsin Central Railroad, formerly known as the
12 Minneapolis, St. Paul and Sault Ste. Marie Railroad), the
13 east 40.00 feet of the north 195.00 feet except the north
14 50.00 feet thereof of said East 1/2, and all that part of
15 said East 1/2 described as follows: Beginning at the
16 northwest corner of Origer and Davis' Addition to
17 Rosemont, being a subdivision of part of said 1/4 Section
18 according to the plat thereof recorded May 27, 1963 as
19 Document Number 18807143, in Cook County, Illinois;
20 thence westerly along the northerly line of said
21 Subdivision extended westerly to said easterly Railroad
22 right-of-way line; thence northwesterly along said
23 right-of-way line to the southerly line of north 50.00
24 feet of said 1/4 Section; thence easterly along said
25 southerly line to the easterly right-of-way line of
26 Kirschhoff Avenue; thence southerly along said
27 right-of-way line to its intersection with the southerly
28 line of Schullo's Resubdivision extended easterly, said
29 Resubdivision being a Resubdivision of part of said 1/4
30 section according to the plat thereof recorded June 17,
31 1960 as Document Number 17885160 in Cook County,
32 Illinois; thence westerly along said southerly line
33 extended and said southerly line to the southwest corner
34 of said Resubdivision; thence northwesterly along the

1 westerly line of said Resubdivision to the northwest
2 corner thereof; thence westerly along the northerly line
3 of said Resubdivision extended westerly to a line
4 parallel with and 40.00 feet easterly of the easterly
5 right-of-way line of said Railroad; thence northwesterly
6 along said parallel line to said point of beginning.

7 And also

8 That part of the Southwest 1/4 of Section 33,
9 Township 41 North, Range 12 East of the Third Principal
10 Meridian lying southerly of the centerline of Higgins
11 Road and easterly of a north line parallel to the south
12 line of said 1/4 Section, beginning 565.84 feet west of
13 the northeast corner of the Northwest 1/4 of Section 4,
14 Township 40 North, Range 12 East of the Third Principal
15 Meridian all in Cook County, Illinois.

16 That part of the Southwest quarter of Section 3, the
17 Southeast quarter of Section 4, the Northeast quarter of
18 Section 9, and the Northwest quarter of Section 10,
19 Township 40 North, Range 12 East of the Third Principal
20 Meridian, in the Village of Rosemont, Cook County,
21 Illinois, described as follows:

22 Beginning in the West half of the Northeast quarter
23 of Section 9 aforesaid, at the intersection of the South
24 line of 61st Street with the Easterly right of way line
25 of the Minneapolis, St. Paul and Sault Ste. Marie
26 Railroad right-of-way; thence East along the South line
27 of 61st Street and its Easterly extension, to the East
28 line of Pearl Street; thence North along the East line of
29 Pearl Street to the South line of 62nd Street; thence
30 East along the South line of 62nd Street to the Westerly
31 right-of-way line of the Illinois State Toll Road; thence
32 Southerly along the Westerly right-of-way line of the
33 Toll Road to a point on a Westerly extension of the South
34 line of Allen Avenue; thence East along said Westerly

1 extension, and along the South line of Allen Avenue to
2 the West line of Otto Avenue; thence South along the West
3 line of Otto Avenue to a point on a Westerly extension of
4 the North line of the South 30 feet of Lot 12 in First
5 Addition to B.L. Carlsen's Industrial Subdivision, being
6 a Resubdivision in the Northeast quarter of Section 9
7 aforesaid, according to the plat thereof recorded March
8 5, 1962 as Document 18416079; thence East along said
9 Westerly extension, and along the aforementioned North
10 line of the South 30 feet of Lot 12, to the East line of
11 Lot 12; thence North along the East line of Lot 12, being
12 also the East line of the Northeast quarter of Section 9,
13 to the North line of Owner's Division of parts of Lots 4
14 and 5 of Henry Hachmeister's Division, in the Northwest
15 quarter of Section 10, aforesaid, according to the plat
16 thereof recorded April 25, 1949 as Document 14539019;
17 thence East along the North line of said Owner's Division
18 to the West line of Lot 3 in said Owner's Division;
19 thence South along the West line of Lot 3 to the
20 Southwest corner thereof; thence East along the South
21 line of Lot 3 to the Northwest corner of Lot 4 in said
22 Owner's Division; thence South along the West line of Lot
23 4 to the Southwest corner thereof; thence East along the
24 South line of Lot 4, and said South line extended
25 Easterly, to the Easterly right of way line of River
26 Road; thence Northerly along the Easterly line of River
27 Road to the South line of Crossroads Industrial Park,
28 being a Subdivision in the Northwest quarter of Section
29 10 aforesaid, according to the plat thereof recorded
30 August 8, 1957 as Document 16980725; thence East along
31 the South line of said Crossroads Industrial Park to the
32 Southeast corner thereof; thence Northeasterly along the
33 Easterly line of said Crossroads Industrial Park, and
34 said Easterly line extended, to the North line of Bryn

1 Mawr Avenue, in the Southwest quarter of Section 3
 2 aforesaid; thence Northerly along the Westerly line of
 3 the Forest Preserve District of Cook County, to the
 4 Southerly right-of-way line of the Kennedy Expressway,
 5 thence west along and following the southerly
 6 right-of-way line of the Kennedy Expressway to the
 7 Easterly right-of-way line of the Minneapolis, St. Paul,
 8 and Sault Ste. Marie Railroad right-of-way; thence
 9 Southeasterly along said Easterly right-of-way line to
 10 the point of beginning;

11 AND ALSO, THAT PART OF THE NORTHEAST QUARTER OF
 12 SECTION 9 AND THE NORTHWEST QUARTER OF SECTION 10,
 13 TOWNSHIP 40 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL
 14 MERIDIAN, IN THE VILLAGE OF ROSEMONT, COOK COUNTY,
 15 ILLINOIS, DESCRIBED AS FOLLOWS:

16 BEGINNING IN THE WEST HALF OF THE NORTHEAST QUARTER
 17 OF SECTION 9 AFORESAID, AT THE INTERSECTION OF THE SOUTH
 18 LINE OF 61ST STREET WITH THE EASTERLY RIGHT-OF-WAY LINE
 19 OF THE MINNEAPOLIS, ST. PAUL AND ST. STE. MARIE RAILROAD
 20 RIGHT-OF-WAY; THENCE EAST ALONG THE SOUTH LINE OF 61ST
 21 STREET AND ITS EASTERLY EXTENSION, TO THE EAST LINE OF
 22 PEARL STREET; THENCE NORTH ALONG THE EAST LINE OF PEARL
 23 STREET TO THE SOUTH LINE OF 62ND STREET; THENCE EAST
 24 ALONG THE SOUTH LINE OF 62ND STREET TO THE WESTERLY
 25 RIGHT-OF-WAY LINE OF THE ILLINOIS STATE TOLL ROAD; THENCE
 26 SOUTHERLY, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF THE
 27 TOLL ROAD TO A POINT ON A WESTERLY EXTENSION OF THE SOUTH
 28 LINE OF ALLEN AVENUE; THENCE EAST ALONG SAID WESTERLY
 29 EXTENSION, AND ALONG THE SOUTH LINE OF ALLEN AVENUE TO
 30 THE WEST LINE OF OTTO AVENUE; THENCE SOUTH ALONG THE WEST
 31 LINE OF OTTO AVENUE TO A POINT ON A WESTERLY EXTENSION
 32 OF THE NORTH LINE OF THE SOUTH 30 FEET OF LOT 12 IN FIRST
 33 ADDITION TO B.L. CARLSEN'S INDUSTRIAL SUBDIVISION, BEING
 34 A RESUBDIVISION IN THE NORTHEAST QUARTER OF SECTION 9

1 AFORESAID, ACCORDING TO THE PLAT THEREOF RECORDED MARCH
2 5, 1962 AS DOCUMENT 18416079; THENCE EAST ALONG SAID
3 WESTERLY EXTENSION, AND ALONG THE AFOREMENTIONED NORTH
4 LINE OF THE SOUTH 30 FEET OF LOT 12, TO THE EAST LINE OF
5 LOT 12; THENCE NORTH ALONG THE EAST LINE OF LOT 12, BEING
6 ALSO THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 9,
7 TO THE NORTH LINE OF OWNER'S DIVISION OF PARTS OF LOTS 4
8 AND 5 OF HENRY HACHMEISTER'S DIVISION, IN THE NORTHWEST
9 QUARTER OF SECTION 10, AFORESAID, ACCORDING TO THE PLAT
10 THEREOF RECORDED APRIL 25, 1949 AS DOCUMENT 14539019;
11 THENCE EAST ALONG THE NORTH LINE OF SAID OWNER'S DIVISION
12 TO THE WEST LINE OF LOT 3 IN SAID OWNER'S DIVISION;
13 THENCE SOUTH ALONG THE WEST LINE OF LOT 3 TO THE
14 SOUTHWEST CORNER THEREOF; THENCE EAST ALONG THE SOUTH
15 LINE OF LOT 3 TO THE NORTHWEST CORNER OF LOT 4 IN SAID
16 OWNER'S SUBDIVISION; THENCE SOUTH ALONG THE WEST LINE OF
17 LOT 4 TO THE SOUTHWEST CORNER THEREOF; THENCE EAST ALONG
18 THE SOUTH LINE OF LOT 4, AND SAID SOUTH LINE EXTENDED
19 EASTERLY, TO THE EASTERLY RIGHT-OF-WAY LINE OF RIVER
20 ROAD; THENCE SOUTHEASTERLY ALONG THE EASTERLY
21 RIGHT-OF-WAY LINE OF SAID RIVER ROAD TO A POINT BEING
22 198.00 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF
23 LOT 5 EXTENDED EASTERLY, IN HENRY HACHMEISTER'S DIVISION
24 PER DOCUMENT NUMBER 4183101; THENCE WESTERLY, ALONG A
25 LINE WHICH IS 198.00 FEET NORTH OF AND PARALLEL TO THE
26 SOUTH LINE OF SAID LOT 5 IN HENRY HACHMEISTER'S DIVISION,
27 TO THE NORTHWEST CORNER OF LOT 6 IN B.L. CARLSEN'S
28 INDUSTRIAL SUBDIVISION PER DOCUMENT NUMBER 1925132;
29 THENCE NORTHERLY TO A POINT BEING THE NORTHEAST CORNER OF
30 A PARCEL BEING DESCRIBED PER DOCUMENT T1862127, SAID
31 POINT BEING 293.73 FEET NORTH OF AND PARALLEL TO THE
32 SOUTH LINE OF SAID LOT 5 IN HENRY HACHMEISTER'S DIVISION;
33 THENCE WESTERLY ALONG A LINE, 293.73 FEET NORTH OF AND
34 PARALLEL TO THE SOUTH LINE OF SAID LOT 5, 91.50 FEET TO

1 THE NORTHWEST CORNER OF SAID PARCEL PER DOCUMENT
2 T1862127; THENCE SOUTHERLY ALONG A LINE BEING THE EAST
3 LINE OF THE WEST 200.00 FEET OF SAID LOT 5, 71.88 FEET TO
4 THE SOUTHEAST CORNER OF A PARCEL BEING DESCRIBED PER
5 DOCUMENT T2257298; THENCE WESTERLY ALONG THE SOUTH LINE
6 AND THE SOUTH LINE EXTENDED WESTERLY OF SAID PARCEL, 233
7 FEET TO THE POINT OF INTERSECTION WITH THE WEST LINE OF
8 MICHIGAN AVENUE RIGHT-OF-WAY; THENCE NORTHERLY ALONG SAID
9 WEST RIGHT-OF-WAY LINE OF MICHIGAN AVENUE TO THE
10 NORTHEAST CORNER OF LOT 1, BLOCK 12 IN J. TAYLOR'S ADD.
11 TO FAIRVIEW HEIGHTS PER DOCUMENT NUMBER 1876526, SAID
12 POINT ALSO BEING ON THE SOUTH RIGHT-OF-WAY LINE OF 60TH
13 STREET; THENCE WESTERLY ALONG SAID SOUTH RIGHT-OF-WAY
14 LINE OF 60TH STREET TO A POINT OF INTERSECTION WITH THE
15 EASTERLY RIGHT-OF-WAY LINE OF THE AFORESAID MINNEAPOLIS,
16 ST. PAUL AND ST. STE. MARIE RAILROAD RIGHT-OF-WAY; THENCE
17 NORTHWESTERLY ALONG SAID EASTERLY RIGHT-OF-WAY LINE TO
18 THE POINT OF BEGINNING.

19 (Source: P.A. 91-357, eff. 7-29-99; 91-367, eff. 7-30-99;
20 revised 8-17-99.)

21 (735 ILCS 5/7-103.71 new)
22 Sec. 7-103.71. Quick-take; Village of Franklin Park.
23 Quick-take proceedings under Section 7-103 may be used for a
24 period of 3 years after December 1, 1998, by the Village of
25 Franklin Park, for the redevelopment of blighted areas, for
26 the acquisition of property within the area legally described
27 as:

28 BEGINNING AT THE NORTHEAST CORNER OF SAID TRACT NO.
29 2 (SAID CORNER BEING 50.0 FEET WEST OF THE CENTERLINE OF
30 MANNHEIM ROAD); THENCE SOUTH ALONG THE EAST LINE OF SAID
31 TRACT NO. 2, A DISTANCE OF 305.46 FEET; THENCE WEST,
32 PARALLEL WITH THE NORTH LINE OF SAID TRACT NO. 2, A
33 DISTANCE OF 175.0 FEET; THENCE SOUTH, PARALLEL WITH THE

1 EAST LINE OF SAID TRACT NO. 2, A DISTANCE OF 164.46 FEET
 2 TO THE SOUTHERLY LINE OF SAID TRACT NO. 2 (SAID LINE
 3 BEING 50.0 FEET NORTHERLY OF THE CENTERLINE OF GRAND
 4 AVENUE); THENCE WESTERLY ALONG SAID LINE, 672.75 FEET;
 5 THENCE NORTH ALONG A LINE THAT IS 227.30 FEET EAST OF (AS
 6 MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE EAST LINE
 7 OF MIKE LATORIA SR. INDUSTRIAL SUBDIVISION, 429.87 FEET
 8 TO THE NORTH LINE OF SAID TRACT NO. 2; THENCE EAST ALONG
 9 SAID NORTH LINE, 845.71 FEET TO THE POINT OF BEGINNING,
 10 IN OWNER'S DIVISION OF THAT PART OF THE EAST HALF OF THE
 11 NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 40 NORTH, RANGE
 12 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE
 13 PLAT THEREOF RECORDED AUGUST 16, 1929 AS DOCUMENT
 14 10456788 AND FILED IN THE REGISTRAR'S OFFICE ON AUGUST
 15 23, 1929 AS DOCUMENT LR474993, IN COOK COUNTY, ILLINOIS.

16 (Source: P.A. 91-367, eff. 7-30-99; revised 8-16-99.)

17 (735 ILCS 5/7-103.72 new)
 18 Sec. 7-103.72. Quick-take; Village of Franklin Park.
 19 Quick-take proceedings under Section 7-103 may be used for a
 20 period of 3 years after December 1, 1998, by the Village of
 21 Franklin Park, for the redevelopment of blighted areas, for
 22 the acquisition of the property legally described as:

23 Lots 19, 20, 21, 22, 23, 24, 25, 26 and 27 of the
 24 Salerno-Kaufman Subdivision of part of Tract No. 1 in
 25 Owner's Division of part of the East 1/2, Northeast 1/4,
 26 Section 29, Township 40, Range 12, East of the Third
 27 Principal Meridian, in Cook County, Illinois; and

28 That part of the South 117.64 feet of tract number 1
 29 lying East of a line 235 feet West of and parallel with
 30 West line of Mannheim Road in Owner's Division of part of
 31 the East half of the Northeast quarter of Section 29,
 32 Township 40 North, Range 12, East of the Third Principal
 33 Meridian, according to the Plat thereof recorded August

1 16, 1929 as Document number 10456788, in Cook County,
2 Illinois.

3 (Source: P.A. 91-367, eff. 7-30-99; revised 8-16-99.)

4 (735 ILCS 5/7-103.73 new)

5 Sec. 7-103.73. Quick-take; City of Taylorville.

6 Quick-take proceedings under Section 7-103 may be used for a
7 period of 2 years following July 30, 1999, by the City of
8 Taylorville for the acquisition of land used for the
9 construction of the second silt dam on Lake Taylorville; the
10 project area is limited to the townships of Greenwood,
11 Johnson, and Locust in southern Christian County.

12 (Source: P.A. 91-367, eff. 7-30-99; revised 8-16-99.)

13 (735 ILCS 5/7-103.74 new)

14 Sec. 7-103.74. Quick-take; City of Effingham.

15 Quick-take proceedings under Section 7-103 may be used for a
16 period of 6 months following July 30, 1999 by the City of
17 Effingham for the acquisition of all the right of way needed
18 for the subject project starting at Wernsing Avenue and
19 running northerly to Fayette Avenue, including the right of
20 way for a structure over the CSX rail line and U.S. Route 40.

21 (Source: P.A. 91-367, eff. 7-30-99; revised 8-16-99.)

22 (735 ILCS 5/7-103.75 new)

23 Sec. 7-103.75. Quick-take; City of Effingham.

24 Quick-take proceedings under Section 7-103 may be used for a
25 period of one year following July 30, 1999 by the City of
26 Effingham for the acquisition of property for the
27 construction of South Raney Street Project Phase II,
28 including a grade separation over Conrail and U. S. Route 40
29 in the City of Effingham, from the intersection of South
30 Raney Street and West Wernsing Avenue northerly to the
31 intersection of South Raney Street and West Fayette Avenue.

1 (Source: P.A. 91-367, eff. 7-30-99; revised 8-16-99.)

2 (735 ILCS 5/7-103.76 new)

3 Sec. 7-103.76. Quick-take; Village of Lincolnshire.
4 Quick-take proceedings under Section 7-103 may be used for a
5 period of 2 years following July 30, 1999, by the Village of
6 Lincolnshire, for the purpose of redevelopment within the
7 downtown area, for the acquisition of property within that
8 area legally described as follows:

9 THAT PART OF SECTIONS 15 AND 22, TOWNSHIP 43 NORTH,
10 RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED
11 AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE EAST
12 LINE OF THE PROPERTY DESCRIBED IN DOCUMENT NUMBER 2297085
13 AND THE NORTHERLY LINE OF HALF DAY ROAD; THENCE
14 NORTHEASTERLY ALONG SAID NORTHERLY LINE OF SAID HALF DAY
15 ROAD TO THE INTERSECTION WITH THE WEST LINE OF STATE
16 ROUTE NO. 21 (ALSO KNOWN AS MILWAUKEE AVENUE); THENCE
17 NORTHERLY ALONG SAID WEST LINE OF STATE ROUTE NO. 21 TO
18 THE NORTH LINE OF THE SOUTH 452.20 FEET OF THE NORTHEAST
19 QUARTER OF THE AFORESAID SECTION 15; THENCE EAST ALONG
20 THE SAID NORTH LINE OF THE SOUTH 452.20 FEET TO THE EAST
21 LINE OF THE NORTHEAST QUARTER OF SAID SECTION 15; THENCE
22 SOUTH ALONG THE SAID EAST LINE TO THE SOUTHEAST CORNER OF
23 THE NORTHEAST QUARTER THEREOF; THENCE WEST ALONG THE
24 SOUTH LINE OF THE SAID NORTHEAST QUARTER TO AN EAST LINE
25 OF VERNON CEMETERY AS DESCRIBED IN DOCUMENT NUMBER
26 263584; THENCE NORTH 37.20 FEET ALONG AFORESAID EAST LINE
27 OF CEMETERY TO THE NORTH EAST CORNER THEREOF; THENCE WEST
28 297.00 FEET ALONG THE NORTH LINE OF THE AFORESAID
29 CEMETERY, SAID LINE IS THE MOST NORTHERLY LINE OF
30 CEMETERY ROAD AS OCCUPIED AND EXTENDED TO A WEST LINE OF
31 AFORESAID VERNON CEMETERY EXTENDED NORTH; THENCE SOUTH
32 ALONG THE EXTENSION AND WEST LINE OF THE AFORESAID
33 CEMETERY TO THE SOUTHWEST CORNER THEREOF, SAID SOUTHWEST

1 CORNER IS 296.61 FEET SOUTH OF THE SOUTH LINE OF CEMETERY
2 ROAD AS OCCUPIED; THENCE EAST ALONG THE SOUTH LINE OF
3 VERNON CEMETERY TO THE SOUTH EAST CORNER THEREOF, SAID
4 SOUTHEAST CORNER ALSO BEING A POINT ON THE WEST LINE OF
5 PROPERTY DESCRIBED BY DOCUMENT NUMBER 2012084; THENCE
6 SOUTH ALONG AFORESAID WEST LINE TO THE NORTH LINE OF HALF
7 DAY ROAD; THENCE EAST ALONG LAST SAID NORTH LINE TO A
8 POINT IN THE WEST LINE (EXTENDED) OF INDIAN CREEK
9 SUBDIVISION (RECORDED AS DOCUMENT NUMBER 2084U19); THENCE
10 SOUTH ALONG THE WEST LINE AND AN EXTENSION THEREOF OF
11 INDIAN CREEK CONDOMINIUM SUBDIVISION TO THE SOUTHWEST
12 CORNER THEREOF; THENCE SOUTHEASTERLY ALONG A SOUTH LINE
13 OF INDIAN CREEK CONDOMINIUM SUBDIVISION 130.47 FEET TO
14 THE MOST SOUTHERLY CORNER IN THE AFORESAID SUBDIVISION
15 SAID POINT BEING IN THE NORTH LINE OF RELOCATED ILLINOIS
16 STATE ROUTE 22; THENCE NORTHEASTERLY ALONG A SOUTH LINE
17 OF INDIAN CREEK CONDOMINIUM SUBDIVISION 209.56 FEET, SAID
18 LINE BEING ALSO THE NORTH LINE OF RELOCATED ILLINOIS
19 STATE ROUTE 22, TO THE SOUTHEAST CORNER OF INDIAN CREEK
20 CONDOMINIUM SUBDIVISION; THENCE NORTH ALONG THE EAST LINE
21 OF INDIAN CREEK SUBDIVISION AND AN EXTENSION THEREOF TO
22 THE NORTH LINE OF HALF DAY ROAD; THENCE EAST ALONG THE
23 NORTH LINE OF HALF DAY ROAD TO THE EAST LINE OF THE
24 SOUTHEAST QUARTER OF SAID SECTION 15 TO THE SOUTHEAST
25 CORNER OF THE SOUTHEAST QUARTER OF SECTION 15 AFORESAID;
26 THENCE SOUTHERLY ALONG AN EASTERLY LINE OF THE HAMILTON
27 PARTNERS PROPERTY DESCRIBED AS FOLLOWS, BEGINNING AT THE
28 NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION
29 22 (THE EAST LINE OF THE NORTHEAST QUARTER OF SAID
30 SECTION 22 HAVING AN ASSUMED BEARING OF SOUTH 00 DEGREES
31 00 MINUTES 00 SECONDS EAST FOR THIS LEGAL DESCRIPTION);
32 THENCE SOUTH 13 DEGREES 57 MINUTES 09 SECONDS WEST,
33 519.43 FEET TO A POINT DESCRIBED AS BEARING NORTH 51
34 DEGREES 41 MINUTES 30 SECONDS WEST, 159.61 FEET FROM A

1 POINT OF THE EAST LINE OF THE NORTHEAST QUARTER OF
2 SECTION 22 AFORESAID, 603.05 FEET, AS MEASURED ALONG SAID
3 EAST LINE, SOUTH OF THE NORTHEAST CORNER OF SAID
4 NORTHEAST QUARTER; THENCE SOUTH 05 DEGREES 08 MINUTES 04
5 SECONDS EAST, 232.01 FEET TO THE MOST NORTHERLY NORTHEAST
6 CORNER OF MARIOTT DRIVE, ACCORDING TO THE PLAT OF
7 DEDICATION RECORDED AS DOCUMENT NUMBER 1978811; THENCE
8 SOUTH 42 DEGREES 08 MINUTES 46 SECONDS WEST (RECORD SOUTH
9 42 DEGREES 09 MINUTES 23 SECONDS WEST) ALONG THE
10 NORTHWESTERLY LINE OF SAID MARIOTT DRIVE, 40.70 FEET
11 (RECORD 40.73 FEET) TO AN ANGLE POINT IN THE NORTH LINE
12 OF SAID MARIOTT DRIVE; THENCE SOUTH PERPENDICULAR TO
13 AFOREMENTIONED MARIOTT DRIVE TO A POINT ON THE SOUTH LINE
14 THEREOF; THENCE WEST ALONG THE SOUTH LINE OF MARIOTT
15 DRIVE TO A POINT PERPENDICULAR TO A POINT IN THE NORTH
16 LINE OF MARIOTT DRIVE THAT IS ON A LINE, THE EXTENSION OF
17 WHICH IS THE EASTERLY LINE OF LOTS 1 AND 2 IN INDIAN
18 CREEK RESUBDIVISION; THENCE NORTH PERPENDICULAR TO
19 MARIOTT DRIVE TO THE AFOREMENTIONED POINT ON THE NORTH
20 LINE; THENCE NORTHWESTERLY ON THE EASTERLY LINE &
21 EXTENSION THEREOF OF AFOREMENTIONED LOTS 1 AND 2 TO THE
22 NORTHEAST CORNER OF LOT 2; THENCE WEST ALONG THE NORTH
23 LINE OF LOT 2 TO THE NORTHWEST CORNER THEREOF; THENCE
24 SOUTHWESTERLY PERPENDICULAR TO ILLINOIS ROUTE 21
25 (MILWAUKEE AVENUE DEDICATED BY DOCUMENT NUMBER 2129168)
26 TO THE WEST LINE THEREOF; THENCE NORTH ALONG THE WEST
27 LINE OF AFOREMENTIONED ILLINOIS ROUTE 21 TO THE NORTHEAST
28 CORNER OF LOT 1 IN MCDONALD'S - KING'S SUBDIVISION;
29 THENCE WEST ALONG THE NORTH LINE OF THE LAST MENTIONED
30 LOT 1, 218.50 FEET TO A JOG IN THE NORTH LINE THEREOF;
31 THENCE NORTHERLY ALONG A WESTERLY LINE OF SAID LOT 1,
32 20.22 FEET TO A JOG IN THE NORTH LINE; THENCE WEST ALONG
33 THE NORTH LINE OF LOT 1 AFORESAID 150.42 FEET TO THE
34 NORTHWEST CORNER OF THEREOF; THENCE SOUTH 205.94 FEET

1 ALONG THE WEST LINE OF AFOREMENTIONED LOT 1 TO A JOG IN
2 THE WEST LINE THEREOF; THENCE EAST ALONG A SOUTH LINE OF
3 LOT 1 TO A JOG IN THE WEST LINE THEREOF 3.45 FEET; THENCE
4 SOUTH 91.22 FEET ALONG THE WEST LINE LOT 1 TO THE
5 SOUTHWEST CORNER LOT 1 AFOREMENTIONED; THENCE SOUTHERLY
6 RADIAL TO RELOCATED ILLINOIS STATE ROUTE 22 TO THE SOUTH
7 LINE THEREOF; THENCE WEST ALONG THE SOUTH LINE OF
8 RELOCATED ILLINOIS STATE ROUTE 22 TO A POINT
9 PERPENDICULAR TO A POINT AT THE SOUTHWEST CORNER OF THE
10 OLD HALF DAY SCHOOL PARCEL; THENCE NORTHWESTERLY 51.41
11 FEET ALONG A WEST LINE OF AFORESAID SCHOOL PARCEL TO A
12 CORNER THEREOF; THENCE NORTHEASTERLY 169.30 FEET ALONG A
13 NORTHERLY LINE OF AFORESAID SCHOOL PARCEL TO A CORNER
14 THEREOF; THENCE NORTHWESTERLY 242.80 FEET ALONG A WEST
15 LINE TO THE CENTER LINE OF HALF DAY ROAD; THENCE
16 NORTHWESTERLY NORMAL TO THE AFORESAID ROAD TO THE
17 NORTHERLY RIGHT OF WAY LINE THEREOF; THENCE EAST ALONG
18 THE NORTH LINE OF HALF DAY ROAD TO A POINT SAID POINT IS
19 A BEND IN THE WEST LINE OF PROPERTY DESCRIBED BY DOCUMENT
20 NUMBER 2600952; THENCE NORTHWESTERLY 7.82 CHAINS ALONG
21 THE WEST LINE AFOREMENTIONED TO THE NORTHWEST CORNER
22 THEREOF; THENCE SOUTHEASTERLY 2.39 CHAINS TO THE
23 NORTHEAST CORNER OF THE SAID PROPERTY; THENCE
24 SOUTHEASTERLY ALONG THE EASTERLY LINE OF AFORESAID
25 PROPERTY TO THE NORTHWEST CORNER OF PROPERTY DESCRIBED IN
26 DOCUMENT NUMBER 2297085; THENCE EAST 2.27 CHAINS ALONG
27 THE NORTH LINE OF AFOREMENTIONED PROPERTY TO THE
28 NORTHEAST CORNER THEREOF; THENCE SOUTH ALONG THE EAST
29 LINE OF THE AFOREMENTIONED PROPERTY TO THE PLACE OF
30 BEGINNING, (EXCEPT THEREFROM THE TRACT OF LAND AS
31 DESCRIBED BY DOCUMENT NUMBER 1141157 AND MILWAUKEE AVE.
32 ADJACENT THERETO) ALL IN LAKE COUNTY, ILLINOIS.

33 (Source: P.A. 91-367, eff. 7-30-99; revised 8-16-99.)

1 (735 ILCS 5/7-103.77 new)

2 Sec. 7-103.77. Quick-take; City of Marion. Quick-take
3 proceedings under Section 7-103 may be used for a period of
4 18 months after July 30, 1999, by the City of Marion for the
5 acquisition of property and temporary construction easements
6 bounded by the following lines for improvement of the
7 Pentecost Road project:

8 A variable width strip of land lying parallel with and
9 contiguous to the existing east and west Right-of-Way
10 lines of Pentecost Road in the following quarter-quarter
11 section:

12 the NW1/4 NW1/4, Section 16; NE1/4 NE1/4, Section 17;
13 NW1/4 SW1/4, Section 16; SW1/4 SW1/4, Section 16; NE1/4
14 SE1/4, Section 17; and the SE1/4 SE1/4, Section 17, all
15 located in Township 9 South, Range 2 East of the Third
16 Principal Meridian; Williamson County, Illinois.

17 (Source: P.A. 91-367, eff. 7-30-99; revised 8-16-99.)

18 (735 ILCS 5/7-103.78 new)

19 Sec. 7-103.78. Quick-take; City of Geneva. Quick-take
20 proceedings under Section 7-103 may be used for a period of 6
21 months following July 30, 1999, by the City of Geneva, for
22 the Prairie and Wetland Restoration Project, for the
23 acquisition of property described as follows:

24 PARCEL ONE: THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF
25 SECTION 6, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD
26 PRINCIPAL MERIDIAN, IN THE TOWNSHIP OF GENEVA, KANE
27 COUNTY, ILLINOIS.

28 PARCEL TWO: THE SOUTH HALF OF THE NORTHWEST
29 FRACTIONAL QUARTER OF SECTION 6, TOWNSHIP 39 NORTH, RANGE
30 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE TOWNSHIP
31 OF GENEVA, KANE COUNTY, ILLINOIS.

32 PARCEL THREE: THAT PART OF THE SOUTH 1/2 OF THE
33 NORTHEAST 1/4 OF SECTION 1, TOWNSHIP 39 NORTH, RANGE 7

1 EAST OF THE THIRD PRINCIPAL MERIDIAN LYING EAST OF THE
2 FOLLOWING TRACT: (A STRIP OF LAND 60 FEET IN WIDTH
3 EXTENDING OVER AND ACROSS THE SOUTH EAST 1/4 OF THE
4 NORTHEAST 1/4 OF SECTION 1, TOWNSHIP 39 NORTH, RANGE 7
5 EAST OF THE THIRD PRINCIPAL MERIDIAN, SAID STRIP OF LAND
6 BEING THAT CERTAIN STRIP OF LAND AS CONVEYED BY CHARLES
7 W. PEMBLETON AND WIFE TO THE CHICAGO AND NORTH WESTERN
8 RAILWAY COMPANY (NOW THE CHICAGO AND NORTH WESTERN
9 TRANSPORTATION COMPANY) BY WARRANTY DEED DATED JUNE 29,
10 1903 AND RECORDED AS DOCUMENT 64790 IN BOOK 430 ON PAGE
11 337 IN THE OFFICE OF THE REGISTRAR OF DEEDS FOR KANE
12 COUNTY, ILLINOIS) IN THE TOWNSHIP OF BLACKBERRY, KANE
13 COUNTY, ILLINOIS.

14 (Source: P.A. 91-367, eff. 7-30-99; revised 8-16-99.)

15 (735 ILCS 5/7-103.79 new)

16 Sec. 7-103.79. Quick-take; City of Arcola. Quick-take
17 proceedings under Section 7-103 may be used for a period of 2
18 years after July 30, 1999, by the City of Arcola for the
19 purpose of acquiring property in connection with a project to
20 widen Illinois Route 133 east of Interstate 57.

21 (Source: P.A. 91-367, eff. 7-30-99; revised 8-16-99.)

22 (735 ILCS 5/7-103.80 new)

23 Sec. 7-103.80. Quick-take; County of Lake. Quick-take
24 proceedings under Section 7-103 may be used for a period of
25 24 months after July 30, 1999, by the County of Lake, for the
26 acquisition of necessary right-of-way to complete the
27 improvement of the intersection of County Highway 47 (9th
28 Street) and County Highway 27 (Lewis Avenue).

29 (Source: P.A. 91-367, eff. 7-30-99; revised 8-16-99.)

30 (735 ILCS 5/7-103.81 new)

31 Sec. 7-103.81. Quick-take; County of Lake. Quick-take

1 proceedings under Section 7-103 may be used for a period of
 2 24 months after July 30, 1999, by the County of Lake, for the
 3 acquisition of necessary right-of-way to complete the
 4 improvement of the various intersections and roadways
 5 involved in the project to improve County Highway 70 (Hawley
 6 Street), County Highway 26 (Gilmer Road), and County Highway
 7 62 (Fremont Center Road) at and near Illinois Route 176.
 8 (Source: P.A. 91-367, eff. 7-30-99; revised 8-16-99.)

9 (735 ILCS 5/7-103.82 new)
 10 Sec. 7-103.82. Quick-take; County of Winnebago.
 11 Quick-take proceedings under Section 7-103 may be used for a
 12 period of 30 months after July 30, 1999, by the County of
 13 Winnebago to allow for the acquisition of right-of-way for
 14 the construction of the Harrison Avenue Extension project
 15 from Montague Road to West State Street lying within Section
 16 20, the east 1/2 of Section 29, and the northeast 1/4 of
 17 Section 32, Township 44W, Range 1 East of the 3rd Principal
 18 Meridian, in Winnebago County.
 19 (Source: P.A. 91-367, eff. 7-30-99; revised 8-16-99.)

20 (735 ILCS 5/7-103.83 new)
 21 Sec. 7-103.83. Quick-take; Village of Schiller Park.
 22 Quick-take proceedings under Section 7-103 may be used for a
 23 period of 2 years after July 30, 1999, by the Village of
 24 Schiller Park, for the acquisition of the following described
 25 property for purposes of redevelopment of blighted areas:
 26 The following parcel of property lying within the East
 27 Half of the Southeast Quarter of Section 17, Township 40
 28 North, Range 12 East of the Third Principal Meridian and
 29 the N East Half of the Southwest Quarter of Section 16,
 30 Township 40 North, Range 12 East of the Third Principal
 31 Meridian all in Cook County, Illinois:
 32 Commencing at the intersection of the center line of

1 Irving Park Road with the west line of Mannheim Road;
2 thence, southwesterly along the westerly line of Mannheim
3 Road to its intersection with the south line of Belle
4 Plaine Avenue, as extended from the east; thence,
5 easterly along the south line of Belle Plaine Avenue to
6 its intersection with the west line, as extended from the
7 North, of Lot 7 in the Subdivision of the West Half of
8 the Southwest Quarter of Section 16, Township 40 North,
9 Range 12 East of the Third Principal Meridian (except
10 that part lying Northerly of Irving Park Road), recorded
11 April 14, 1921 as document no. 7112572; thence, northerly
12 along the west line, as extended from the north, of Lot 7
13 of the aforesaid Subdivision to its intersection with
14 the north line of Belle Plaine Avenue; thence,
15 northeasterly along the northwesterly line of the
16 property acquired by The Illinois State Toll Highway
17 Authority to its intersection with the east line of Lot 7
18 of the aforesaid Subdivision; thence, northerly along
19 the east line of Lot 7 of the aforesaid Subdivision to
20 its intersection with the south line of Lot 2 in the
21 aforesaid Subdivision; thence, westerly along the south
22 line of Lot 2 of the aforesaid Subdivision to its
23 intersection with the west line of Lot 2 of the
24 aforesaid Subdivision; thence, northerly along the west
25 line of Lot 2 of the aforesaid Subdivision and the
26 extension of the west line of Lot 2 to its intersection
27 with the center line of Irving Park Road; thence,
28 westerly along the center line of Irving Park Road to the
29 point of beginning.

30 Notwithstanding the property description contained in
31 this Section, the Village of Schiller Park may not acquire,
32 under the authority of this Section, any property that is
33 owned by any other unit of local government.

34 (Source: P.A. 91-367, eff. 7-30-99; revised 8-16-99.)

1 (735 ILCS 5/7-103.84 new)

2 Sec. 7-103.84. Quick-take; City of Springfield.

3 Quick-take proceedings under Section 7-103 may be used for a

4 period of 2 years after July 30, 1999, by the City of

5 Springfield, for the acquisition of (i) the property located

6 in the City of Springfield and bounded on the north by Mason

7 Street, on the west by Fifth Street, on the south by

8 Jefferson Street, and on the east by Sixth Street and (ii)

9 the property located in the City of Springfield and bounded

10 on the north by Madison Street, on the west by Sixth Street,

11 on the south by Washington Street, and on the east by Seventh

12 Street, for the Abraham Lincoln Presidential Library.

13 (Source: P.A. 91-367, eff. 7-30-99; revised 8-16-99.)

14 (735 ILCS 5/7-103.85 new)

15 Sec. 7-103.85. Quick-take; McLean County. Quick-take

16 proceedings under Section 7-103 may be used for a period of

17 24 months after July 30, 1999, by McLean County, for the

18 acquisition of property necessary for the purpose of

19 construction with respect to the Towanda-Barnes Road from

20 Route 150 to Ft. Jesse Road.

21 (Source: P.A. 91-367, eff. 7-30-99; revised 10-24-00.)

22 (735 ILCS 5/7-103.86 new)

23 Sec. 7-103.86. Quick-take; Pike County. Quick-take

24 proceedings under Section 7-103 may be used for a period of

25 12 months after July 30, 1999, by Pike County, for the

26 acquisition of property necessary for the purpose of

27 construction with respect to F.A.S. 1591, commonly known as

28 Martinsburg Road, from one mile north of Martinsburg to 0.25

29 mile north of Martinsburg.

30 (Source: P.A. 91-367, eff. 7-30-99; revised 8-16-99.)

31 (735 ILCS 5/7-103.87 new)

1 Sec. 7-103.87. Quick-take; Fox Metro Water Reclamation
 2 District. Quick-take proceedings under Section 7-103 may be
 3 used for a period of 12 months after July 30, 1999, by the
 4 Fox Metro Water Reclamation District, for the acquisition of
 5 the following described property for the purpose of extending
 6 the collector system and construction of facilities for
 7 treatment of effluent:

8 THAT PART OF LOTS 2 AND 3 OF LARSON'S SUBDIVISION
 9 DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST
 10 CORNER OF SAID LOT 3 BEING ON THE CENTER LINE OF
 11 STATE ROUTE NO. 31; THENCE SOUTH 7 DEGREES 01
 12 MINUTES WEST ALONG SAID CENTER LINE 46.58 FEET FOR
 13 THE POINT OF BEGINNING; THENCE NORTH 7 DEGREES 01
 14 MINUTES EAST ALONG SAID CENTER LINE 91.58 FEET;
 15 THENCE SOUTH 88 DEGREES 31 MINUTES EAST PARALLEL
 16 WITH THE NORTH LINE OF SAID LOT 3, 781.87 FEET TO
 17 THE EASTERLY LINE OF SAID LOT 2; THENCE SOUTH 19
 18 DEGREES 40 MINUTES WEST ALONG THE EASTERLY LINES OF
 19 LOTS 2 AND 3 106.9 FEET; THENCE SOUTH 9 DEGREES 39
 20 MINUTES EAST ALONG THE EASTERLY LINE OF SAID LOT 3,
 21 70.83 FEET TO A LINE DRAWN SOUTH 82 DEGREES 36
 22 MINUTES EAST, PARALLEL WITH THE SOUTHERLY LINE OF
 23 SAID LOT 3, FROM THE PLACE OF BEGINNING; THENCE
 24 NORTH 82 DEGREES 36 MINUTES WEST ALONG SAID PARALLEL
 25 LINE 775.16 FEET TO THE PLACE OF BEGINNING, IN THE
 26 TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.

27 ALSO:
 28 THAT PART OF THE SOUTHWEST 1/4 OF SECTION 5,
 29 TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD
 30 PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING
 31 AT THE NORTHWEST CORNER OF THE SOUTHWEST FRACTIONAL
 32 QUARTER OF SECTION 6, TOWNSHIP AND RANGE AFORESAID;
 33 THENCE SOUTH ALONG THE WEST LINE OF SAID SECTION 6,
 34 1363.34 FEET; THENCE SOUTH 82 DEGREES 36 MINUTES

1 EAST 5298.7 FEET TO THE WESTERLY BANK OF FOX RIVER;
2 THENCE NORTH 18 DEGREES 46 MINUTES WEST ALONG SAID
3 WESTERLY BANK 192.5 FEET FOR THE POINT OF BEGINNING;
4 THENCE NORTH 18 DEGREES 46 MINUTES WEST ALONG SAID
5 WESTERLY BANK 44.35 FEET; THENCE NORTH 37 DEGREES 16
6 MINUTES WEST ALONG SAID WESTERLY BANK 227.8 FEET;
7 THENCE NORTH 82 DEGREES 36 MINUTES WEST 867.3 FEET
8 TO THE CENTER LINE OF THE ORIGINAL ROAD; THENCE
9 SOUTHERLY ALONG SAID CENTER LINE 200 FEET TO A LINE
10 DRAWN NORTH 82 DEGREES 36 MINUTES WEST FROM THE
11 POINT OF BEGINNING; THENCE SOUTH 82 DEGREES 36
12 MINUTES EAST 1014.21 FEET TO THE POINT OF BEGINNING,
13 IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.

ALSO:

PARCEL ONE:

16 LOT 5 OF LARSON'S SUBDIVISION, TOWNSHIP OF OSWEGO,
17 KENDALL COUNTY, ILLINOIS.

PARCEL TWO:

19 THAT PART OF THE SOUTHWEST 1/4 OF SECTION 5,
20 TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD
21 PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING
22 AT THE INTERSECTION OF THE SOUTH LINE OF SAID
23 SECTION 5 WITH THE CENTER LINE OF ILLINOIS STATE
24 ROUTE NUMBER 31; THENCE NORTH 6 DEGREES 44 MINUTES
25 EAST ALONG SAID CENTER LINE 745.75 FEET; THENCE
26 SOUTH 82 DEGREES 30 MINUTES EAST 100 FEET TO THE
27 POINT OF BEGINNING; THENCE SOUTHWESTERLY AT RIGHT
28 ANGLES WITH THE LAST DESCRIBED COURSE, 110 FEET;
29 THENCE SOUTH 83 DEGREES 30 MINUTES EAST TO THE
30 CENTER THREAD OF THE FOX RIVER; THENCE NORTHERLY
31 ALONG SAID CENTER THREAD TO A LINE DRAWN SOUTH 82
32 DEGREES 30 MINUTES EAST FOR THE POINT OF BEGINNING;
33 THENCE NORTH 82 DEGREES 30 MINUTES WEST TO THE POINT
34 OF BEGINNING; IN THE TOWNSHIP OF OSWEGO, KENDALL

1 COUNTY, ILLINOIS.

2 ALSO:

3 THAT PART OF THE SOUTH 1/2 OF THE WEST PART OF
4 SECTION 5, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE
5 THIRD PRINCIPAL MERIDIAN WHICH LIES EAST OF THE
6 CENTER LINE OF STATE ROUTE NO. 31 AND SOUTH OF A
7 LINE EXTENDING SOUTH 82 DEGREES 30 MINUTES EAST FROM
8 A POINT IN THE SAID CENTER LINE OF SAID HIGHWAY THAT
9 IS NORTH 6 DEGREES 44 MINUTES EAST 745.75 FEET FROM
10 THE SOUTH LINE OF SAID SECTION TO THE CENTER THREAD
11 OF THE FOX RIVER (EXCEPT THE RIGHT OF WAY OF THE
12 SAID STATE ROUTE NO. 31 AND A STRIP IN THE NORTHWEST
13 CORNER 67 FEET WIDE AND 325 FEET LONG MEASURED ALONG
14 THE EASTERLY LINE OF SAID HIGHWAY, USED FOR CEMETERY
15 PURPOSES, AND ALSO EXCEPT THAT PART LYING SOUTH OF
16 THE NORTH LINE OF PREMISES CONVEYED TO THE
17 COMMONWEALTH EDISON COMPANY BY WARRANTY DEED
18 RECORDED OCTOBER 9, 1959 AS DOCUMENT 127020 AND ALSO
19 EXCEPT THAT PART DESCRIBED AS FOLLOWS: COMMENCING AT
20 THE INTERSECTION OF THE SOUTH LINE OF SAID SECTION 5
21 WITH THE CENTER LINE OF ILLINOIS STATE ROUTE NO. 31;
22 THENCE NORTH 6 DEGREES 44 MINUTES EAST ALONG SAID
23 CENTER LINE 745.75 FEET; THENCE SOUTH 82 DEGREES 30
24 MINUTES EAST 100 FEET FOR THE POINT OF BEGINNING;
25 THENCE SOUTHWESTERLY AT RIGHT ANGLES WITH THE LAST
26 DESCRIBED COURSE, 110 FEET; THENCE SOUTH 82 DEGREES
27 30 MINUTES EAST TO THE CENTER THREAD OF THE FOX
28 RIVER; THENCE NORTHERLY ALONG SAID CENTER THREAD TO
29 A LINE DRAWN SOUTH 82 DEGREES 30 MINUTES EAST FROM
30 THE POINT OF BEGINNING; THENCE NORTH 82 DEGREES 30
31 MINUTES WEST TO THE POINT OF BEGINNING), IN THE
32 TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.

33 (Source: P.A. 91-367, eff. 7-30-99; revised 8-16-99.)

1 (735 ILCS 5/7-103.88 new)

2 Sec. 7-103.88. Quick-take; St. Clair County. Quick-take
3 proceedings under Section 7-103 may be used for a period of
4 12 months after July 30, 1999, by St. Clair County, for the
5 acquisition of property necessary for the purpose of the
6 following county road improvements in the City of O'Fallon
7 and the Village of Shiloh: Section 95-00301-02-PV, Hartman
8 Lane to Shiloh-O'Fallon Road, 2.45 miles of concrete
9 pavement, 24 feet wide, 10-foot shoulders, a 95-foot
10 single-span bridge, earthwork, and traffic signals.

11 (Source: P.A. 91-367, eff. 7-30-99; revised 8-16-99.)

12 (735 ILCS 5/7-103.89 new)

13 Sec. 7-103.89. Quick-take; St. Clair County. Quick-take
14 proceedings under Section 7-103 may be used for a period of
15 12 months after July 30, 1999, by St. Clair County, for the
16 acquisition of property necessary for the purpose of the
17 following county road improvements in the City of Fairview
18 Heights: Section 97-00301-04-PV, Metro-Link Station to
19 Illinois Route 159, 2.04 miles of concrete pavement, 24 feet
20 wide, 10-foot shoulders, earthwork, and traffic signals.

21 (Source: P.A. 91-367, eff. 7-30-99; revised 8-16-99.)

22 (735 ILCS 5/7-103.90 new)

23 Sec. 7-103.90. Quick-take; St. Clair County. Quick-take
24 proceedings under Section 7-103 may be used for a period of
25 12 months after July 30, 1999, by St. Clair County, for the
26 acquisition of property necessary for the purpose of the
27 following county road improvements in the City of O'Fallon:
28 Section 97-03080-05-PV, Jennifer Court to Station 122+50,
29 1.52 miles of concrete pavement, 24 to 40 feet wide, 10-foot
30 shoulders, earthwork, storm sewers, curbs, and gutters.

31 (Source: P.A. 91-367, eff. 7-30-99; revised 8-16-99.)

1 (735 ILCS 5/7-103.91 new)

2 Sec. 7-103.91. Quick-take; Madison County. Quick-take
3 proceedings under Section 7-103 may be used for a period of
4 12 months after July 30, 1999, by Madison County, for the
5 acquisition of property necessary for the purpose of
6 approximately 2.4 miles of roadwork commencing at the
7 intersection of Illinois Route 143 northerly over, adjacent
8 to, and near the location of County Highway 19 (locally known
9 as Birch Drive) to the intersection of Buchts Road,
10 traversing through land sections 19, 20, 29, 30, and 31 of
11 Ft. Russell Township, the work to consist of excavation, fill
12 placement, concrete structures, and an aggregate and
13 bituminous base with bituminous binder and surfacing.

14 (Source: P.A. 91-367, eff. 7-30-99; revised 8-16-99.)

15 (735 ILCS 5/7-103.92 new)

16 Sec. 7-103.92. Quick-take; Lake County. Quick-take
17 proceedings under Section 7-103 may be used for a period of 2
18 years after July 30, 1999, by Lake County, for the
19 acquisition of property necessary for the purpose of
20 improving County Highway 70 (Hawley Street) from Chevy Chase
21 Road to County Highway 26 (Gilmer Road).

22 (Source: P.A. 91-367, eff. 7-30-99; revised 8-16-99.)

23 (735 ILCS 5/7-103.93 new)

24 Sec. 7-103.93. Quick-take; Kendall County. Quick-take
25 proceedings under Section 7-103 may be used for a period of
26 12 months after July 30, 1999, by Kendall County, for the
27 acquisition of the following described property for the
28 purpose of road construction or improvements, including
29 construction of a bridge and related improvements:

30 THAT PART OF THE EAST 1/2 OF SECTION 24, TOWNSHIP 37
31 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN,
32 KENDALL COUNTY, ILLINOIS DESCRIBED AS FOLLOWS: COMMENCING

1 AT THE NORTHEAST CORNER OF LOT 4 OF CHRISTIE C. HERREN'S
2 2ND SUBDIVISION; THENCE ON AN ASSUMED BEARING NORTH 89
3 DEGREES 32 MINUTES 05 SECONDS EAST, 33.00 FEET ALONG THE
4 EASTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 4 TO THE
5 CENTER LINE OF MINKLER ROAD; THENCE NORTH 0 DEGREES 27
6 MINUTES 55 SECONDS WEST, 1,585.91 FEET ALONG THE CENTER
7 LINE OF MINKLER ROAD TO THE CENTER LINE OF ILLINOIS ROUTE
8 71; THENCE NORTH 0 DEGREES 53 MINUTES 06 SECONDS WEST,
9 1,084.14 FEET ALONG THE CENTER LINE OF MINKLER ROAD AND
10 THE NORTHERLY EXTENSION THEREOF TO THE NORTH RIGHT-OF-WAY
11 LINE OF THE BURLINGTON NORTHERN SANTA FE RAILROAD FOR THE
12 POINT OF BEGINNING; THENCE CONTINUING NORTH 0 DEGREES 53
13 MINUTES 06 SECONDS WEST, 12.95 FEET TO THE SOUTH BANK OF
14 THE FOX RIVER; THENCE NORTH 84 DEGREES 02 MINUTES 18
15 SECONDS EAST, 192.09 FEET ALONG SAID SOUTH BANK; THENCE
16 SOUTH 23 DEGREES 08 MINUTES 48 SECONDS EAST, 4.22 FEET TO
17 THE NORTH RIGHT-OF-WAY LINE OF THE BURLINGTON NORTHERN
18 SANTA FE RAILROAD; THENCE SOUTHWESTERLY, 194.71 FEET
19 ALONG A 3,956.53 FOOT RADIUS CURVE TO THE LEFT WHOSE
20 CHORD BEARS SOUTH 81 DEGREES 25 MINUTES 34 SECONDS WEST,
21 194.69 FEET TO THE POINT OF BEGINNING.

22 AND:

23 THAT PART OF THE EAST 1/2 OF SECTION 24, TOWNSHIP 37
24 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN,
25 KENDALL COUNTY, ILLINOIS DESCRIBED AS FOLLOWS: COMMENCING
26 AT THE NORTHEAST CORNER OF LOT 4 OF CHRISTIE C. HERREN'S
27 2ND SUBDIVISION; THENCE ON AN ASSUMED BEARING NORTH 89
28 DEGREES 32 MINUTES 05 SECONDS EAST, 33.00 FEET ALONG THE
29 EASTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 4 TO THE
30 CENTER LINE OF MINKLER ROAD; THENCE NORTH 0 DEGREES 27
31 MINUTES 55 SECONDS WEST, 1,585.91 FEET ALONG THE CENTER
32 LINE OF MINKLER ROAD TO THE CENTER LINE OF ILLINOIS ROUTE
33 71 FOR THE POINT OF BEGINNING; THENCE NORTH 0 DEGREES 53
34 MINUTES 06 SECONDS WEST, 52.33 FEET ALONG THE CENTER LINE

1 OF MINKLER ROAD; THENCE NORTH 72 DEGREES 01 MINUTES 36
2 SECONDS EAST, 130.87 FEET ALONG THE NORTH RIGHT-OF-WAY
3 LINE OF ILLINOIS ROUTE 71; THENCE NORTH 18 DEGREES 09
4 MINUTES 27 SECONDS WEST, 111.00 FEET; THENCE NORTH 74
5 DEGREES 41 MINUTES 24 SECONDS EAST, 40.24 FEET; THENCE
6 NORTH 3 DEGREES 05 MINUTES 16 SECONDS WEST, 239.00 FEET;
7 THENCE SOUTH 89 DEGREES 29 MINUTES 13 SECONDS WEST, 69.62
8 FEET; THENCE SOUTH 43 DEGREES 09 MINUTES 14 SECONDS WEST,
9 46.47 FEET; THENCE SOUTH 89 DEGREES 06 MINUTES 54 SECONDS
10 WEST, 20.00 FEET TO THE CENTER LINE OF MINKLER ROAD;
11 THENCE NORTH 0 DEGREES 53 MINUTES 06 SECONDS WEST, 595.48
12 FEET ALONG SAID CENTER LINE AND SAID CENTER LINE EXTENDED
13 NORTHERLY TO THE SOUTH RIGHT-OF-WAY LINE OF THE
14 BURLINGTON NORTHERN SANTA FE RAILROAD; THENCE EASTERLY,
15 222.77 FEET ALONG A 3,881.53 FOOT RADIUS CURVE TO THE
16 RIGHT WHOSE CHORD BEARS NORTH 81 DEGREES 28 MINUTES 59
17 SECONDS EAST, 222.74 FEET; THENCE SOUTH 20 DEGREES 43
18 MINUTES 16 SECONDS EAST, 119.40 FEET; THENCE SOUTHERLY,
19 237.80 FEET ALONG A 717.37 FEET RADIUS CURVE TO THE RIGHT
20 WHOSE CHORD BEARS SOUTH 11 DEGREES 13 MINUTES 29 SECONDS
21 EAST, 236.71 FEET; THENCE SOUTH 1 DEGREES 43 MINUTES 42
22 SECONDS EAST, 471.58 FEET; THENCE SOUTH 55 DEGREES 31
23 MINUTES 50 SECONDS EAST, 63.07 FEET; THENCE NORTH 72
24 DEGREES 01 MINUTES 36 SECONDS EAST, 86.50 FEET; THENCE
25 SOUTH 17 DEGREES 58 MINUTES 24 SECONDS EAST, 20.00 FEET
26 TO THE EXISTING NORTH RIGHT-OF-WAY LINE OF ILLINOIS ROUTE
27 71; THENCE NORTH 72 DEGREES 01 MINUTES 36 SECONDS EAST,
28 350.00 FEET ALONG SAID NORTH RIGHT-OF-WAY LINE OF
29 ILLINOIS ROUTE 71; THENCE SOUTH 17 DEGREES 58 MINUTES 24
30 SECONDS EAST, 50.00 FEET TO THE CENTER LINE OF ILLINOIS
31 ROUTE 71; THENCE SOUTH 72 DEGREES 01 MINUTES 36 SECONDS
32 WEST, 836.88 FEET ALONG SAID CENTER LINE TO THE POINT OF
33 BEGINNING.
34 AND:

1 THAT PART OF THE EAST 1/2 OF SECTION 24, TOWNSHIP 37
2 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN,
3 KENDALL COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:
4 COMMENCING AT THE NORTHEAST CORNER OF LOT 4 OF CHRISTIE
5 C. HERREN'S 2ND SUBDIVISION; THENCE ON AN ASSUMED BEARING
6 NORTH 89 DEGREES 32 MINUTES 05 SECONDS EAST, 33.00 FEET
7 ALONG THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID
8 LOT 4 TO THE CENTER LINE OF MINKLER ROAD; THENCE NORTH 0
9 DEGREES 27 MINUTES 55 SECONDS WEST, 1,585.91 FEET ALONG
10 SAID CENTER LINE TO THE CENTER LINE OF ILLINOIS ROUTE 71
11 FOR THE POINT OF BEGINNING; THENCE NORTH 72 DEGREES 01
12 MINUTES 36 SECONDS EAST, 836.88 FEET ALONG THE CENTER
13 LINE OF ILLINOIS ROUTE 71; THENCE SOUTH 17 DEGREES 58
14 MINUTES 24 SECONDS EAST, 50.00 FEET TO THE SOUTH
15 RIGHT-OF-WAY LINE OF ILLINOIS ROUTE 71; THENCE SOUTH 64
16 DEGREES 54 MINUTES 06 SECONDS WEST, 201.56 FEET; THENCE
17 SOUTH 72 DEGREES 01 MINUTES 36 SECONDS WEST, 331.43 FEET;
18 THENCE SOUTH 1 DEGREES 55 MINUTES 17 SECONDS WEST, 144.09
19 FEET; THENCE SOUTHERLY 327.44 FEET ALONG AN 853.94 FOOT
20 RADIUS CURVE TO THE RIGHT WHOSE CHORD BEARS SOUTH 12
21 DEGREES 54 MINUTES 22 SECONDS WEST, 325.44 FEET; THENCE
22 SOUTH 23 DEGREES 53 MINUTES 28 SECONDS WEST, 211.52
23 FEET; THENCE SOUTHERLY 289.43 FEET ALONG A 673.94 FOOT
24 RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS SOUTH 11
25 DEGREES 35 MINUTES 17 SECONDS WEST, 287.21 FEET; THENCE
26 SOUTH 0 DEGREES 42 MINUTES 55 SECONDS EAST, 135.43 FEET;
27 THENCE SOUTH 89 DEGREES 17 MINUTES 05 SECONDS WEST, 85.98
28 FEET TO THE CENTER LINE OF MINKLER ROAD; THENCE NORTH 0
29 DEGREES 27 MINUTES 55 SECONDS WEST, 459.31 FEET ALONG
30 SAID CENTER LINE; THENCE NORTH 21 DEGREES 25 MINUTES 47
31 SECONDS EAST, 232.86 FEET; THENCE NORTHERLY 266.09 FEET
32 ALONG A 693.94 FOOT RADIUS CURVE TO THE LEFT WHOSE CHORD
33 BEARS NORTH 12 DEGREES 54 MINUTES 22 SECONDS EAST, 264.46
34 FEET; THENCE NORTH 1 DEGREES 55 MINUTES 17 SECONDS EAST,

1 64.92 FEET; THENCE NORTH 53 DEGREES 01 MINUTES 20 SECONDS
 2 WEST, 30.54 FEET; THENCE SOUTH 72 DEGREES 01 MINUTES 36
 3 SECONDS WEST, 132.59 FEET TO THE CENTER LINE OF MINKLER
 4 ROAD; THENCE NORTH 0 DEGREES 27 MINUTES 55 SECONDS WEST,
 5 73.38 FEET ALONG SAID CENTER LINE TO THE POINT OF
 6 BEGINNING.

7 (Source: P.A. 91-367, eff. 7-30-99; revised 8-16-99.)

8 (735 ILCS 5/7-103.94 new)

9 Sec. 7-103.94. Quick-take; DU-COMM at Cloverdale,
 10 Illinois. Quick-take proceedings under Section 7-103 may be
 11 used for a period of 2 years after July 30, 1999, by DuPage
 12 Public Safety Communications (DU-COMM), a unit of
 13 intergovernmental cooperation, for the acquisition of
 14 property including land, buildings, towers, fixtures, and
 15 other improvements located at Cloverdale, Illinois and
 16 described as follows:

17 A tract or parcel of land situated in the Southeast
 18 Quarter (SE 1/4) of Section Twenty-one (21), Township
 19 Forty (40) North, Range Ten (10) East of the Third
 20 Principal Meridian, more particularly described as
 21 follows:

22 Commencing at the Southwest corner of the
 23 Southeast Quarter (SE 1/4) of said Section
 24 Twenty-one (21), measure North, along the West line
 25 of the Southeast Quarter (SE 1/4) of said Section
 26 Twenty-one (21) 1287.35 feet, then East at right
 27 angles to the said West line of the Southeast
 28 Quarter (SE 1/4) of said Section Twenty-one (21),
 29 292.57 feet to the point of beginning;

30 Thence East along the last described course
 31 208.71 feet, thence South at right angles to the
 32 last described course 208.71 feet, thence West at
 33 right angles to the last described course 208.71

1 feet, thence North in a direct line 208.71 feet to
 2 the point of beginning; also
 3 A right of way and easement thirty-three (33) feet
 4 in width for the construction, maintenance, and use of
 5 (a) a roadway suitable for vehicular traffic, and (b)
 6 such aerial or underground electric power and
 7 communication lines as said Company may from time to time
 8 desire, consisting of poles, wires, cables, conduits,
 9 guys, anchors, and other fixtures and appurtenances, the
 10 center line of which right of way and easement is
 11 described as follows:

12 Commencing at a point on the West line of the
 13 tract or parcel of land above described, distant
 14 Southerly 16.5 feet from the Northwest corner of
 15 said tract or parcel, thence Westerly at right
 16 angles to the West line of the Southeast Quarter (SE
 17 1/4) of said Section Twenty-one (21), 293 feet more
 18 or less to the public road situated on the West line
 19 of the Southeast Quarter (SE 1/4) of said Section
 20 Twenty-one (21), Township and Range aforesaid.

21 (Source: P.A. 91-367, eff. 7-30-99; revised 8-16-99.)

22 (735 ILCS 5/7-103.95 new)

23 Sec. 7-103.95. Quick-take; City of Crest Hill.
 24 Quick-take proceedings under Section 7-103 may be used for a
 25 period of 3 years after July 30, 1999, (in the case of the
 26 permanent easements described in items (A) and (C)), by the
 27 City of Crest Hill, for acquisition of the following
 28 easements:

29 (A) Permanent easement for the purposes of
 30 installation, maintenance, and use of water or sewer, or
 31 both water and sewer, lines in, along, through, and under
 32 the following legally described property:

33 The East 70 feet of the North half of the North half

1 of the Southeast Quarter of Section 30, Township 36
 2 North, and in Range 10, East of the Third Principal
 3 Meridian (Except therefrom the North 12 Rods of the East
 4 13 1/2 Rods thereof, and also except the South 99 feet of
 5 the East 440 feet thereof), in Will County, Illinois.

6 (B) Temporary easement for purposes of initial
 7 construction of the water or sewer, or both water and
 8 sewer, lines in, along, through, and under the permanent
 9 easement described in item (A). The temporary easement
 10 herein shall arise on September 1, 1999 and shall cease
 11 on August 31, 2001 and is legally described as follows:

12 The East 100 feet of the North half of the North
 13 half of the Southeast Quarter of Section 30, Township 36
 14 North, and in Range 10, East of the Third Principal
 15 Meridian (Except therefrom the North 12 Rods of the East
 16 13 1/2 Rods thereof, and also except the South 99 feet of
 17 the East 440 feet thereof), in Will County, Illinois.

18 (C) Permanent easement for the purposes of
 19 installation, maintenance, and use of water or sewer, or
 20 both water and sewer, lines in, along, through, and under
 21 the following legally described property:

22 The East 70 feet of the West 120 feet of the South
 23 half of the Southeast Quarter of Section 30, in township
 24 36 North, and in Range 10 East of the Third Principal
 25 Meridian, in Will County, Illinois, excepting therefrom
 26 the following described tracts:

27 Exception 1: That part of said South half lying
 28 Southwesterly of the Northeasterly right-of-way line of
 29 the Elgin, Joliet and Eastern Railway Company, in Will
 30 County, Illinois.

31 Exception 2: The West 200 feet of said South half,
 32 in Will County, Illinois.

33 Exception 3: That part of the South half of the
 34 Southeast Quarter of Section 30, Township 36 North, and

1 in Range 10 East of the Third Principal Meridian,
2 described as follows: Beginning at a point 250 feet East
3 of the West line of said South half of the Southeast
4 Quarter and 180.58 feet North of the South line of said
5 South half of the Southeast Quarter; thence North along a
6 line 250 feet East of and parallel with the West line of
7 said Southeast Quarter a distance of 1004.55 feet to a
8 point; thence Northwesterly along a diagonal line 65.85
9 feet to its intersection with a line drawn 200 feet East
10 of and parallel to the West line of said Southeast
11 Quarter, said point also being 100.75 feet South of the
12 North line of the South half of said Southeast Quarter,
13 as measured along said parallel line; thence South along
14 the last described parallel line a distance of 1045.02
15 feet to a point 50 feet West of the point of beginning
16 and 180.58 feet North of the South line of said Southeast
17 Quarter; thence East 50 feet to the point of beginning,
18 in Will County, Illinois.

19 Exception 4: Beginning at the Southeast corner of
20 the Southeast Quarter of Section 30, Township 36 North,
21 and in Range 10 East of the Third Principal Meridian,
22 thence Northerly along the East line of said Section for
23 a distance of 346.5 feet; thence Westerly along a line
24 346.5 feet distant from and parallel with the South line
25 of said Section for a distance of 297 feet; thence
26 Southerly along a line 297 feet distant from and parallel
27 with the East line of said Section for a distance of
28 346.5 feet to a point, said point being on the South line
29 of said Section; thence Easterly along said South line of
30 said Section 297 feet to the point of beginning, in Will
31 County, Illinois.

32 Exception 5: That part dedicated for highway
33 purposes in instrument recorded January 28, 1986 as
34 Document No. R86-03205 described as follows: That part of

1 the South half of the Southeast Quarter of Section 30,
 2 Township 36 North, and in Range 10 East of the Third
 3 Principal Meridian bounded and described as follows:
 4 Beginning at the point of intersection of the
 5 Northeasterly right-of-way line of the Elgin, Joliet and
 6 Eastern Railway Company with the South line of said
 7 Southeast Quarter, thence on an assumed bearing of North
 8 90.00 degrees 00 minutes 00 seconds East along said South
 9 line a distance of 288.02 feet; thence North 00 degrees
 10 00 minutes 00 seconds East a distance of 33.0 feet;
 11 thence North 86 degrees 25 minutes 22 seconds West a
 12 distance of 352.57 feet to the Northeasterly right-of-way
 13 line of said railway company; thence South 49 degrees 15
 14 minutes 53 seconds East along said Northeasterly
 15 right-of-way line, a distance of 84.28 feet to the point
 16 of beginning, in Will County, Illinois.

17 Exception 6: The North 850 feet of the East 1025
 18 feet of the South half of the Southeast Quarter of
 19 Section 30, Township 36 North, and in Range 10 East of
 20 the Third Principal Meridian, in Will County, Illinois.

21 (D) Temporary easement for purposes of initial
 22 construction of the water or sewer, or both water and
 23 sewer, lines in, along, through, and under the permanent
 24 easement described in item (C). The temporary easement
 25 herein shall arise on September 1, 1999 and shall cease
 26 on August 31, 2001 and is legally described as follows:

27 The East 100 feet of the West 150 feet of the South
 28 half of the Southeast Quarter of Section 30, in Township
 29 36 North, and in Range 10 East of the Third Principal
 30 Meridian, in Will County, Illinois, excepting therefrom
 31 the following described tracts:

32 Exception 1: That part of said South half lying
 33 Southwesterly of the Northeasterly right-of-way line of
 34 the Elgin, Joliet and Eastern Railway Company, in Will

1 County, Illinois.

2 Exception 2: The West 200 feet of said South half,
3 in Will County, Illinois.

4 Exception 3: That part of the South half of the
5 Southeast Quarter of Section 30, Township 36 North, and
6 in Range 10 East of the Third Principal Meridian,
7 described as follows: Beginning at a point 250 feet East
8 of the West line of said South half of the Southeast
9 Quarter and 180.58 feet North of the South line of said
10 South half of the Southeast Quarter; thence North along a
11 line 250 feet East of and parallel with the West line of
12 said southeast Quarter a distance of 1004.55 feet to a
13 point; thence Northwesterly along a diagonal line 65.85
14 feet to its intersection with a line drawn 200 feet East
15 of and parallel to the West line of said Southeast
16 Quarter, said point also being 100.75 feet South of the
17 North line of the South half of said Southeast Quarter,
18 as measured along said parallel line; thence South along
19 the last described parallel line a distance of 1045.02
20 feet to a point 50 feet West of the point of beginning
21 and 180.58 feet North of the South line of said Southeast
22 Quarter; thence East 50 feet to the point of beginning,
23 in Will County, Illinois.

24 Exception 4: Beginning at the Southeast corner of
25 the Southeast Quarter of Section 30, Township 36 North,
26 and in Range 10 East of the Third Principal Meridian,
27 thence Northerly along the East line of said Section for
28 a distance of 346.5 feet; thence Westerly along a line
29 346.5 feet distant from and parallel with the South line
30 of said Section for a distance of 297 feet; thence
31 Southerly along a line 297 feet distant from and parallel
32 with the East line of said Section for a distance of
33 346.5 feet to a point, said point being on the South line
34 of said Section; thence Easterly along said South line of

1 said Section 297 feet to the point of beginning, in Will
2 County, Illinois.

3 Exception 5: That part dedicated for highway
4 purposes in instrument recorded January 28, 1986 as
5 Document No. R86-03205 described as follows: That part of
6 the South half of the Southeast Quarter of Section 30,
7 Township 36 North, and in Range 10 East of the Third
8 Principal Meridian bounded and described as follows:
9 Beginning at the point of intersection of the
10 Northeasterly right-of-way line of the Elgin, Joliet and
11 Eastern Railway Company with the South line of said
12 Southeast Quarter; thence on an assumed bearing of North
13 90.00 degrees 00 minutes 00 seconds East along said South
14 line a distance of 288.02 feet; thence North 00 degrees
15 00 minutes 00 seconds East a distance of 33.0 feet;
16 thence North 86 degrees 25 minutes 22 seconds West a
17 distance of 352.57 feet to the Northeasterly right-of-way
18 line of said railway company; thence South 49 degrees 15
19 minutes 53 seconds East along said Northeasterly
20 right-of-way line, a distance of 84.28 feet to the point
21 of beginning, in Will County, Illinois.

22 Exception 6: The North 850 feet of the East 1025
23 feet of the South half of the Southeast Quarter of
24 Section 30, Township 36 North, and in Range 10 East of
25 the Third Principal Meridian, in Will County, Illinois.

26 (Source: P.A. 91-367, eff. 7-30-99; revised 8-16-99.)

27 (735 ILCS 5/7-103.96 new)

28 Sec. 7-103.96. Quick-take; Village of Palatine.
29 Quick-take proceedings under Section 7-103 may be used for a
30 period of 4 years after July 30, 1999, by the Village of
31 Palatine, for the acquisition of the following described
32 property for the purpose of revitalizing the downtown
33 business area:

1 Lots 1 through 3 in Block D of the Subdivision of the
2 North 24.60 acres in the NE 1/4 of the NE 1/4 of Section 22,
3 Township 42, Range 10 East of the Third Principal Meridian,
4 in Cook County, IL;

5 Property bounded by Bothwell Street, Railroad
6 right-of-way, Plum Grove Road and Chicago Avenue in the
7 Village of Palatine;

8 Lots 1 through 8 in Block K, of the Town of Palatine, a
9 subdivision of the West 16 2/3 acres of the South 31 acres of
10 the West 1/2 of the Southwest 1/4 of Section 14 and the
11 Southeast 24.12 acres of the South 31 acres of the East 1/2
12 of the Southeast 1/4 of Section 15, Township 42 North, Range
13 10, East of the Third Principal Meridian, Ante-Fire,
14 Re-recorded April 10, 1877 as Document 129579, in Cook
15 County, Illinois;

16 Property bounded by Wilson Street, Plum Grove Road, Slade
17 Street, Railroad right-of-way and Bothwell Street in the
18 Village of Palatine;

19 Lots 1 through 8 in Block 8 of the Subdivision of part of
20 the East 1/2 of the SE 1/4 Section, Ante-Fire, Re-recorded on
21 April 10, 1877 as Document Number 129579;

22 Lots 20 and 21 and the West 71.25 feet of Lot 24 of
23 Arthur T. McIntosh and Company's Palatine Farms, being a
24 subdivision of Section 16, Township 42, Range 10 East of the
25 Third Principal Meridian, in Cook County, IL, recorded on
26 June 16, 1919;

27 Lots 1 through 3 of Millin's Subdivision of the SE 1/4 of
28 Section 15, Township 42, Range 10 East of the Third
29 Principal Meridian, in Cook County, IL;

30 Property bounded by Colfax Street, Smith Street and
31 Millin's Subdivision of the SE 1/4 of Section 15, Township
32 42, Range 10 East of the Third Principal Meridian, in Cook
33 County, IL;

34 Property bounded by Wood Street, Brockway Street and

1 Railroad right-of-way in the Village of Palatine;
 2 lots 45 through 50 and 58 through 64 of Arthur T.
 3 McIntosh and Company's Palatine Farms, being a subdivision of
 4 Section 16, Township 42, Range 10 East of the Third Principal
 5 Meridian, in Cook County, IL, recorded on June 16, 1919; and
 6 Property bounded by Railroad right-of-way, Brockway Street
 7 and Slade Street in the Village of Palatine.

8 (Source: P.A. 91-367, eff. 7-30-99; revised 8-16-99.)

9 Section 96. The Illinois Marriage and Dissolution of
 10 Marriage Act is amended by changing Sections 505, 505.2,
 11 505.3, 705, 709, and 713 as follows:

12 (750 ILCS 5/505) (from Ch. 40, par. 505)

13 Sec. 505. Child support; contempt; penalties.

14 (a) In a proceeding for dissolution of marriage, legal
 15 separation, declaration of invalidity of marriage, a
 16 proceeding for child support following dissolution of the
 17 marriage by a court which lacked personal jurisdiction over
 18 the absent spouse, a proceeding for modification of a
 19 previous order for child support under Section 510 of this
 20 Act, or any proceeding authorized under Section 501 or 601 of
 21 this Act, the court may order either or both parents owing a
 22 duty of support to a child of the marriage to pay an amount
 23 reasonable and necessary for his support, without regard to
 24 marital misconduct. The duty of support owed to a minor
 25 child includes the obligation to provide for the reasonable
 26 and necessary physical, mental and emotional health needs of
 27 the child.

28 (1) The Court shall determine the minimum amount of
 29 support by using the following guidelines:

Number of Children	Percent of Supporting Party's Net Income
1	20%

1	2	25%
2	3	32%
3	4	40%
4	5	45%
5	6 or more	50%

6 (2) The above guidelines shall be applied in each
7 case unless the court makes a finding that application of
8 the guidelines would be inappropriate, after considering
9 the best interests of the child in light of evidence
10 including but not limited to one or more of the following
11 relevant factors:

12 (a) the financial resources and needs of the
13 child;

14 (b) the financial resources and needs of the
15 custodial parent;

16 (c) the standard of living the child would
17 have enjoyed had the marriage not been dissolved;

18 (d) the physical and emotional condition of
19 the child, and his educational needs; and

20 (e) the financial resources and needs of the
21 non-custodial parent.

22 If the court deviates from the guidelines, the
23 court's finding shall state the amount of support that
24 would have been required under the guidelines, if
25 determinable. The court shall include the reason or
26 reasons for the variance from the guidelines.

27 (3) "Net income" is defined as the total of all
28 income from all sources, minus the following deductions:

29 (a) Federal income tax (properly calculated
30 withholding or estimated payments);

31 (b) State income tax (properly calculated
32 withholding or estimated payments);

33 (c) Social Security (FICA payments);

34 (d) Mandatory retirement contributions

1 required by law or as a condition of employment;
2 (e) Union dues;
3 (f) Dependent and individual
4 health/hospitalization insurance premiums;
5 (g) Prior obligations of support or
6 maintenance actually paid pursuant to a court order;
7 (h) Expenditures for repayment of debts that
8 represent reasonable and necessary expenses for the
9 production of income, medical expenditures necessary
10 to preserve life or health, reasonable expenditures
11 for the benefit of the child and the other parent,
12 exclusive of gifts. The court shall reduce net
13 income in determining the minimum amount of support
14 to be ordered only for the period that such payments
15 are due and shall enter an order containing
16 provisions for its self-executing modification upon
17 termination of such payment period.

18 (4) In cases where the court order provides for
19 health/hospitalization insurance coverage pursuant to
20 Section 505.2 of this Act, the premiums for that
21 insurance, or that portion of the premiums for which the
22 supporting party is responsible in the case of insurance
23 provided through an employer's health insurance plan
24 where the employer pays a portion of the premiums, shall
25 be subtracted from net income in determining the minimum
26 amount of support to be ordered.

27 (4.5) In a proceeding for child support following
28 dissolution of the marriage by a court that lacked
29 personal jurisdiction over the absent spouse, and in
30 which the court is requiring payment of support for the
31 period before the date an order for current support is
32 entered, there is a rebuttable presumption that the
33 supporting party's net income for the prior period was
34 the same as his or her net income at the time the order

1 for current support is entered.

2 (5) If the net income cannot be determined because
3 of default or any other reason, the court shall order
4 support in an amount considered reasonable in the
5 particular case. The final order in all cases shall
6 state the support level in dollar amounts. However, if
7 the court finds that the child support amount cannot be
8 expressed exclusively as a dollar amount because all or a
9 portion of the payor's net income is uncertain as to
10 source, time of payment, or amount, the court may order a
11 percentage amount of support in addition to a specific
12 dollar amount and enter such other orders as may be
13 necessary to determine and enforce, on a timely basis,
14 the applicable support ordered.

15 (6) If (i) the non-custodial parent was properly
16 served with a request for discovery of financial
17 information relating to the non-custodial parent's
18 ability to provide child support, (ii) the non-custodial
19 parent failed to comply with the request, despite having
20 been ordered to do so by the court, and (iii) the
21 non-custodial parent is not present at the hearing to
22 determine support despite having received proper notice,
23 then any relevant financial information concerning the
24 non-custodial parent's ability to provide child support
25 that was obtained pursuant to subpoena and proper notice
26 shall be admitted into evidence without the need to
27 establish any further foundation for its admission.

28 (a-5) In an action to enforce an order for support based
29 on the respondent's failure to make support payments as
30 required by the order, notice of proceedings to hold the
31 respondent in contempt for that failure may be served on the
32 respondent by personal service or by regular mail addressed
33 to the respondent's last known address. The respondent's
34 last known address may be determined from records of the

1 clerk of the court, from the Federal Case Registry of Child
2 Support Orders, or by any other reasonable means.

3 (b) Failure of either parent to comply with an order to
4 pay support shall be punishable as in other cases of
5 contempt. In addition to other penalties provided by law the
6 Court may, after finding the parent guilty of contempt, order
7 that the parent be:

8 (1) placed on probation with such conditions of
9 probation as the Court deems advisable;

10 (2) sentenced to periodic imprisonment for a period
11 not to exceed 6 months; provided, however, that the Court
12 may permit the parent to be released for periods of time
13 during the day or night to:

14 (A) work; or

15 (B) conduct a business or other self-employed
16 occupation.

17 The Court may further order any part or all of the
18 earnings of a parent during a sentence of periodic
19 imprisonment paid to the Clerk of the Circuit Court or to the
20 parent having custody or to the guardian having custody of
21 the minor children of the sentenced parent for the support of
22 said minor children until further order of the Court.

23 If there is a unity of interest and ownership sufficient
24 to render no financial separation between a non-custodial
25 parent and another person or persons or business entity, the
26 court may pierce the ownership veil of the person, persons,
27 or business entity to discover assets of the non-custodial
28 parent held in the name of that person, those persons, or
29 that business entity. The following circumstances are
30 sufficient to authorize a court to order discovery of the
31 assets of a person, persons, or business entity and to compel
32 the application of any discovered assets toward payment on
33 the judgment for support:

34 (1) the non-custodial parent and the person,

1 persons, or business entity maintain records together.

2 (2) the non-custodial parent and the person,
3 persons, or business entity fail to maintain an arms
4 length relationship between themselves with regard to any
5 assets.

6 (3) the non-custodial parent transfers assets to
7 the person, persons, or business entity with the intent
8 to perpetrate a fraud on the custodial parent.

9 With respect to assets which are real property, no order
10 entered under this paragraph shall affect the rights of bona
11 fide purchasers, mortgagees, judgment creditors, or other
12 lien holders who acquire their interests in the property
13 prior to the time a notice of lis pendens pursuant to the
14 Code of Civil Procedure or a copy of the order is placed of
15 record in the office of the recorder of deeds for the county
16 in which the real property is located.

17 The court may also order in cases where the parent is 90
18 days or more delinquent in payment of support or has been
19 adjudicated in arrears in an amount equal to 90 days
20 obligation or more, that the parent's Illinois driving
21 privileges be suspended until the court determines that the
22 parent is in compliance with the order of support. The court
23 may also order that the parent be issued a family financial
24 responsibility driving permit that would allow limited
25 driving privileges for employment and medical purposes in
26 accordance with Section 7-702.1 of the Illinois Vehicle Code.
27 The clerk of the circuit court shall certify the order
28 suspending the driving privileges of the parent or granting
29 the issuance of a family financial responsibility driving
30 permit to the Secretary of State on forms prescribed by the
31 Secretary. Upon receipt of the authenticated documents, the
32 Secretary of State shall suspend the parent's driving
33 privileges until further order of the court and shall, if
34 ordered by the court, subject to the provisions of Section

1 7-702.1 of the Illinois Vehicle Code, issue a family
2 financial responsibility driving permit to the parent.

3 In addition to the penalties or punishment that may be
4 imposed under this Section, any person whose conduct
5 constitutes a violation of Section 15 of the Non-Support
6 Punishment Act may be prosecuted under that Act, and a person
7 convicted under that Act may be sentenced in accordance with
8 that Act. The sentence may include but need not be limited
9 to a requirement that the person perform community service
10 under Section 50 of that Act or participate in a work
11 alternative program under Section 50 of that Act. A person
12 may not be required to participate in a work alternative
13 program under Section 50 of that Act if the person is
14 currently participating in a work program pursuant to Section
15 505.1 of this Act.

16 A support obligation, or any portion of a support
17 obligation, which becomes due and remains unpaid for 30 days
18 or more shall accrue interest at the rate of 9% per annum.

19 (c) A one-time charge of 20% is imposable upon the
20 amount of past-due child support owed on July 1, 1988 which
21 has accrued under a support order entered by the court. The
22 charge shall be imposed in accordance with the provisions of
23 Section 10-21 of the Illinois Public Aid Code and shall be
24 enforced by the court upon petition.

25 (d) Any new or existing support order entered by the
26 court under this Section shall be deemed to be a series of
27 judgments against the person obligated to pay support
28 thereunder, each such judgment to be in the amount of each
29 payment or installment of support and each such judgment to
30 be deemed entered as of the date the corresponding payment or
31 installment becomes due under the terms of the support order.
32 Each such judgment shall have the full force, effect and
33 attributes of any other judgment of this State, including the
34 ability to be enforced. A lien arises by operation of law

1 against the real and personal property of the noncustodial
2 parent for each installment of overdue support owed by the
3 noncustodial parent.

4 (e) When child support is to be paid through the clerk
5 of the court in a county of 1,000,000 inhabitants or less,
6 the order shall direct the obligor to pay to the clerk, in
7 addition to the child support payments, all fees imposed by
8 the county board under paragraph (3) of subsection (u) of
9 Section 27.1 of the Clerks of Courts Act. Unless paid in
10 cash or pursuant to an order for withholding, the payment of
11 the fee shall be by a separate instrument from the support
12 payment and shall be made to the order of the Clerk.

13 (f) All orders for support, when entered or modified,
14 shall include a provision requiring the obligor to notify the
15 court and, in cases in which a party is receiving child and
16 spouse services under Article X of the Illinois Public Aid
17 Code, the Illinois Department of Public Aid, within 7 days,
18 (i) of the name and address of any new employer of the
19 obligor, (ii) whether the obligor has access to health
20 insurance coverage through the employer or other group
21 coverage and, if so, the policy name and number and the names
22 of persons covered under the policy, and (iii) of any new
23 residential or mailing address or telephone number of the
24 non-custodial parent. In any subsequent action to enforce a
25 support order, upon a sufficient showing that a diligent
26 effort has been made to ascertain the location of the
27 non-custodial parent, service of process or provision of
28 notice necessary in the case may be made at the last known
29 address of the non-custodial parent in any manner expressly
30 provided by the Code of Civil Procedure or this Act, which
31 service shall be sufficient for purposes of due process.

32 (g) An order for support shall include a date on which
33 the current support obligation terminates. The termination
34 date shall be no earlier than the date on which the child

1 covered by the order will attain the age of majority or is
2 otherwise emancipated. The order for support shall state that
3 the termination date does not apply to any arrearage that may
4 remain unpaid on that date. Nothing in this subsection shall
5 be construed to prevent the court from modifying the order.

6 (h) An order entered under this Section shall include a
7 provision requiring the obligor to report to the obligee and
8 to the clerk of court within 10 days each time the obligor
9 obtains new employment, and each time the obligor's
10 employment is terminated for any reason. The report shall be
11 in writing and shall, in the case of new employment, include
12 the name and address of the new employer. Failure to report
13 new employment or the termination of current employment, if
14 coupled with nonpayment of support for a period in excess of
15 60 days, is indirect criminal contempt. For any obligor
16 arrested for failure to report new employment bond shall be
17 set in the amount of the child support that should have been
18 paid during the period of unreported employment. An order
19 entered under this Section shall also include a provision
20 requiring the obligor and obligee parents to advise each
21 other of a change in residence within 5 days of the change
22 except when the court finds that the physical, mental, or
23 emotional health of a party or that of a minor child, or
24 both, would be seriously endangered by disclosure of the
25 party's address.

26 (Source: P.A. 90-18, eff. 7-1-97; 90-476, eff. 1-1-98;
27 90-539, eff. 6-1-98; 90-655, eff. 7-30-98; 90-733, eff.
28 8-11-98; 91-113, eff. 7-15-99; 91-397, eff. 1-1-00; 91-655,
29 eff. 6-1-00; 91-767, eff. 6-9-00; revised 6-28-00.)

30 (750 ILCS 5/505.2) (from Ch. 40, par. 505.2)
31 Sec. 505.2. Health insurance.

32 (a) Definitions. As used in this Section:

33 (1) "Obligee" means the individual to whom the duty

1 of support is owed or the individual's legal
2 representative.

3 (2) "Obligor" means the individual who owes a duty
4 of support pursuant to an order for support.

5 (3) "Public office" means any elected official or
6 any State or local agency which is or may become
7 responsible by law for enforcement of, or which is or may
8 become authorized to enforce, an order for support,
9 including, but not limited to: the Attorney General, the
10 Illinois Department of Public Aid, the Illinois
11 Department of Human Services, the Illinois Department of
12 Children and Family Services, and the various State's
13 Attorneys, Clerks of the Circuit Court and supervisors of
14 general assistance.

15 (b) Order.

16 (1) Whenever the court establishes, modifies or
17 enforces an order for child support or for child support
18 and maintenance the court shall include in the order a
19 provision for the health care coverage of the child which
20 shall, upon request of the obligee or Public Office,
21 require that any child covered by the order be named as a
22 beneficiary of any health insurance plan that is
23 available to the obligor through an employer or labor
24 union or trade union. If the court finds that such a
25 plan is not available to the obligor, or that the plan is
26 not accessible to the obligee, the court may, upon
27 request of the obligee or Public Office, order the
28 obligor to name the child covered by the order as a
29 beneficiary of any health insurance plan that is
30 available to the obligor on a group basis, or as a
31 beneficiary of an independent health insurance plan to be
32 obtained by the obligor, after considering the following
33 factors:

34 (A) the medical needs of the child;

1 (B) the availability of a plan to meet those
2 needs; and

3 (C) the cost of such a plan to the obligor.

4 (2) If the employer or labor union or trade union
5 offers more than one plan, the order shall require the
6 obligor to name the child as a beneficiary of the plan in
7 which the obligor is enrolled.

8 (3) Nothing in this Section shall be construed to
9 limit the authority of the court to establish or modify a
10 support order to provide for payment of expenses,
11 including deductibles, copayments and any other health
12 expenses, which are in addition to expenses covered by an
13 insurance plan of which a child is ordered to be named a
14 beneficiary pursuant to this Section.

15 (c) Implementation and enforcement.

16 (1) When the court order requires that a minor
17 child be named as a beneficiary of a health insurance
18 plan, other than a health insurance plan available
19 through an employer or labor union or trade union, the
20 obligor shall provide written proof to the obligee or
21 Public Office that the required insurance has been
22 obtained, or that application for insurability has been
23 made, within 30 days of receiving notice of the court
24 order. Unless the obligor was present in court when the
25 order was issued, notice of the order shall be given
26 pursuant to Illinois Supreme Court Rules. If an obligor
27 fails to provide the required proof, he may be held in
28 contempt of court.

29 (2) When the court requires that a minor child be
30 named as a beneficiary of a health insurance plan
31 available through an employer or labor union or trade
32 union, the court's order shall be implemented in
33 accordance with the Income Withholding for Support Act
34 Section-706-17-as-now-or-hereafter-amended.

1 (d) Failure to maintain insurance. The dollar amount of
2 the premiums for court-ordered health insurance, or that
3 portion of the premiums for which the obligor is responsible
4 in the case of insurance provided under a group health
5 insurance plan through an employer or labor union or trade
6 union where the employer or labor union or trade union pays a
7 portion of the premiums, shall be considered an additional
8 child support obligation owed by the obligor. Whenever the
9 obligor fails to provide or maintain health insurance
10 pursuant to an order for support, the obligor shall be liable
11 to the obligee for the dollar amount of the premiums which
12 were not paid, and shall also be liable for all medical
13 expenses incurred by the minor child which would have been
14 paid or reimbursed by the health insurance which the obligor
15 was ordered to provide or maintain. In addition, the obligee
16 may petition the court to modify the order based solely on
17 the obligor's failure to pay the premiums for court-ordered
18 health insurance.

19 (e) Authorization for payment. The signature of the
20 obligee is a valid authorization to the insurer to process a
21 claim for payment under the insurance plan to the provider of
22 the health care services or to the obligee.

23 (f) Disclosure of information. The obligor's employer
24 or labor union or trade union shall disclose to the obligee
25 or Public Office, upon request, information concerning any
26 dependent coverage plans which would be made available to a
27 new employee or labor union member or trade union member.
28 The employer or labor union or trade union shall disclose
29 such information whether or not a court order for medical
30 support has been entered.

31 (g) Employer obligations. If a parent is required by an
32 order for support to provide coverage for a child's health
33 care expenses and if that coverage is available to the parent
34 through an employer who does business in this State, the

1 employer must do all of the following upon receipt of a copy
2 of the order of support or order for withholding:

3 (1) The employer shall, upon the parent's request,
4 permit the parent to include in that coverage a child who
5 is otherwise eligible for that coverage, without regard
6 to any enrollment season restrictions that might
7 otherwise be applicable as to the time period within
8 which the child may be added to that coverage.

9 (2) If the parent has health care coverage through
10 the employer but fails to apply for coverage of the
11 child, the employer shall include the child in the
12 parent's coverage upon application by the child's other
13 parent or the Illinois Department of Public Aid.

14 (3) The employer may not eliminate any child from
15 the parent's health care coverage unless the employee is
16 no longer employed by the employer and no longer covered
17 under the employer's group health plan or unless the
18 employer is provided with satisfactory written evidence
19 of either of the following:

20 (A) The order for support is no longer in
21 effect.

22 (B) The child is or will be included in a
23 comparable health care plan obtained by the parent
24 under such order that is currently in effect or will
25 take effect no later than the date the prior
26 coverage is terminated.

27 The employer may eliminate a child from a parent's
28 health care plan obtained by the parent under such order
29 if the employer has eliminated dependent health care
30 coverage for all of its employees.

31 (Source: P.A. 89-183, eff. 1-1-96; 89-507, eff. 7-1-97;
32 89-626, eff. 8-9-96; 90-18, eff. 7-1-97; revised 3-9-00.)

33 (750 ILCS 5/505.3)

1 Sec. 505.3. Information to State Case Registry.

2 (a) When an order for support is entered or modified
3 under this Act, the clerk of the circuit court shall, within
4 5 business days, provide to the State Case Registry
5 established under Section 10-27 of the Illinois Public Aid
6 Code the court docket number and county in which the order is
7 entered or modified and the following information, which the
8 parties shall disclose to the court:

9 (1) The names of the custodial and non-custodial
10 parents and of the child or children covered by the
11 order.

12 (2) The dates of birth of the custodial and
13 non-custodial parents and of the child or children
14 covered by the order.

15 (3) The social security numbers of the custodial
16 and non-custodial parents and of the child or children
17 covered by the order.

18 (4) The residential and mailing addresses for the
19 custodial and non-custodial parents.

20 (5) The telephone numbers for the custodial and
21 non-custodial parents.

22 (6) The driver's license numbers for the custodial
23 and non-custodial parents.

24 (7) The name, address, and telephone number of each
25 parent's employer or employers.

26 (b) When a child support order is entered or modified
27 for a case in which a party is receiving child and spouse
28 support services under Article X of the Illinois Public Aid
29 Code, the clerk shall provide the State Case Registry with
30 the following information:

31 (1) The information specified in subsection (a) of
32 this Section.

33 (2) The amount of monthly or other periodic support
34 owed under the order and other amounts, including

1 arrearrages, interest, or late payment penalties and fees,
2 due or overdue under the order.

3 (3) Any amounts described in subdivision (2) of
4 this subsection (b) that have been received by the clerk.

5 (4) The distribution of the amounts received by the
6 clerk.

7 (c) A party shall report to the clerk of the circuit
8 court changes in information required to be the disclosed
9 under this Section within 5 business days of the change.

10 (d) To the extent that updated information is in the
11 clerk's possession, the clerk shall provide updates of the
12 information specified in subsection (b) of this Section
13 within 5 business days after the Illinois Department of
14 Public Aid's request for that updated information.

15 (Source: P.A. 91-212, eff. 7-20-99; revised 1-16-01.)

16 (750 ILCS 5/705) (from Ch. 40, par. 705)

17 Sec. 705. Support payments; receiving and disbursing
18 agents.

19 (1) The provisions of this Section shall apply, except
20 as provided in Sections 709 through 712.

21 (2) In a dissolution of marriage action filed in a
22 county of less than 3 million population in which an order or
23 judgment for child support is entered, and in supplementary
24 proceedings in any such county to enforce or vary the terms
25 of such order or judgment arising out of an action for
26 dissolution of marriage filed in such county, the court,
27 except as it otherwise orders, under subsection (4) of this
28 Section, may direct that child support payments be made to
29 the clerk of the court.

30 (3) In a dissolution of marriage action filed in any
31 county of 3 million or more population in which an order or
32 judgment for child support is entered, and in supplementary
33 proceedings in any such county to enforce or vary the terms

1 of such order or judgment arising out of an action for
2 dissolution of marriage filed in such county, the court,
3 except as it otherwise orders under subsection (4) of this
4 Section, may direct that child support payments be made
5 either to the clerk of the court or to the Court Service
6 Division of the County Department of Public Aid. After the
7 effective date of this Act, the court, except as it otherwise
8 orders under subsection (4) of this Section, may direct that
9 child support payments be made either to the clerk of the
10 court or to the Illinois Department of Public Aid.

11 (4) In a dissolution of marriage action or supplementary
12 proceedings involving maintenance or child support payments,
13 or both, to persons who are recipients of aid under the
14 Illinois Public Aid Code, the court shall direct that such
15 payments be made to (a) the Illinois Department of Public Aid
16 if the persons are recipients under Articles III, IV, or V of
17 the Code, or (b) the local governmental unit responsible for
18 their support if they are recipients under Articles VI or VII
19 of the Code. In accordance with federal law and regulations,
20 the Illinois Department of Public Aid may continue to collect
21 current maintenance payments or child support payments, or
22 both, after those persons cease to receive public assistance
23 and until termination of services under Article X of the
24 Illinois Public Aid Code. The Illinois Department of Public
25 Aid shall pay the net amount collected to those persons after
26 deducting any costs incurred in making the collection or any
27 collection fee from the amount of any recovery made. The
28 order shall permit the Illinois Department of Public Aid or
29 the local governmental unit, as the case may be, to direct
30 that payments be made directly to the former spouse, the
31 children, or both, or to some person or agency in their
32 behalf, upon removal of the former spouse or children from
33 the public aid rolls or upon termination of services under
34 Article X of the Illinois Public Aid Code; and upon such

1 direction, the Illinois Department or local governmental
2 unit, as the case requires, shall give notice of such action
3 to the court in writing or by electronic transmission.

4 (5) All clerks of the court and the Court Service
5 Division of a County Department of Public Aid and, after the
6 effective date of this Act, all clerks of the court and the
7 Illinois Department of Public Aid, receiving child support
8 payments under subsections (2) and (3) of this Section shall
9 disburse the payments to the person or persons entitled
10 thereto under the terms of the order or judgment. They shall
11 establish and maintain current records of all moneys received
12 and disbursed and of defaults and delinquencies in required
13 payments. The court, by order or rule, shall make provision
14 for the carrying out of these duties.

15 Upon notification in writing or by electronic
16 transmission from the Illinois Department of Public Aid to
17 the clerk of the court that a person who is receiving support
18 payments under this Section is receiving services under the
19 Child Support Enforcement Program established by Title IV-D
20 of the Social Security Act, any support payments subsequently
21 received by the clerk of the court shall be transmitted in
22 accordance with the instructions of the Illinois Department
23 of Public Aid until the Department gives notice to the clerk
24 of the court to cease the transmittal. After providing the
25 notification authorized under this paragraph, the Illinois
26 Department of Public Aid shall be entitled as a party to
27 notice of any further proceedings in the case. The clerk of
28 the court shall file a copy of the Illinois Department of
29 Public Aid's notification in the court file. The failure of
30 the clerk to file a copy of the notification in the court
31 file shall not, however, affect the Illinois Department of
32 Public Aid's right to receive notice of further proceedings.

33 Payments under this Section to the Illinois Department of
34 Public Aid pursuant to the Child Support Enforcement Program

1 established by Title IV-D of the Social Security Act shall be
2 paid into the Child Support Enforcement Trust Fund. All
3 payments under this Section to the Illinois Department of
4 Human Services shall be deposited in the DHS Recoveries Trust
5 Fund. Disbursements from these funds shall be as provided in
6 the Illinois Public Aid Code. Payments received by a local
7 governmental unit shall be deposited in that unit's General
8 Assistance Fund. Any order of court directing payment of
9 child support to a clerk of court or the Court Service
10 Division of a County Department of Public Aid, which order
11 has been entered on or after August 14, 1961, and prior to
12 the effective date of this Act, may be amended by the court
13 in line with this Act; and orders involving payments of
14 maintenance or child support to recipients of public aid may
15 in like manner be amended to conform to this Act.

16 (6) No filing fee or costs will be required in any
17 action brought at the request of the Illinois Department of
18 Public Aid in any proceeding under this Act. However, any
19 such fees or costs may be assessed by the court against the
20 respondent in the court's order of support or any
21 modification thereof in a proceeding under this Act.

22 (7) For those cases in which child support is payable to
23 the clerk of the circuit court for transmittal to the
24 Illinois Department of Public Aid by order of court or upon
25 notification by the Illinois Department of Public Aid, the
26 clerk shall transmit all such payments, within 4 working days
27 of receipt, to insure that funds are available for immediate
28 distribution by the Department to the person or entity
29 entitled thereto in accordance with standards of the Child
30 Support Enforcement Program established under Title IV-D of
31 the Social Security Act. The clerk shall notify the
32 Department of the date of receipt and amount thereof at the
33 time of transmittal. Where the clerk has entered into an
34 agreement of cooperation with the Department to record the

1 terms of child support orders and payments made thereunder
2 directly into the Department's automated data processing
3 system, the clerk shall account for, transmit and otherwise
4 distribute child support payments in accordance with such
5 agreement in lieu of the requirements contained herein.

6 In any action filed in a county with a population of
7 1,000,000 or less, the court shall assess against the
8 respondent in any order of maintenance or child support any
9 sum up to \$36 annually authorized by ordinance of the county
10 board to be collected by the clerk of the court as costs for
11 administering the collection and disbursement of maintenance
12 and child support payments. Such sum shall be in addition to
13 and separate from amounts ordered to be paid as maintenance
14 or child support.

15 (8) To the extent the provisions of this Section are
16 inconsistent with the requirements pertaining to the State
17 Disbursement Unit under Section 507.1 of this Act and Section
18 10-26 of the Illinois Public Aid Code, the requirements
19 pertaining to the State Disbursement Unit shall apply.

20 (Source: P.A. 90-18, eff. 7-1-97; 90-673, eff. 1-1-99;
21 90-790, eff. 8-14-98; 91-24, eff. 7-1-99; 91-212, eff.
22 7-20-99; 91-357, eff. 7-29-99; revised 8-31-99.)

23 (750 ILCS 5/709) (from Ch. 40, par. 709)

24 Sec. 709. Mandatory child support payments to clerk.

25 (a) As of January 1, 1982, child support orders entered
26 in any county covered by this subsection shall be made
27 pursuant to the provisions of Sections 709 through 712 of
28 this Act. For purposes of these Sections, the term "child
29 support payment" or "payment" shall include any payment
30 ordered to be made solely for the purpose of the support of a
31 child or children or any payment ordered for general support
32 which includes any amount for support of any child or
33 children.

1 The provisions of Sections 709 through 712 shall be
2 applicable to any county with a population of 2 million or
3 more and to any other county which notifies the Supreme Court
4 of its desire to be included within the coverage of these
5 Sections and is certified pursuant to Supreme Court Rules.

6 The effective date of inclusion, however, shall be
7 subject to approval of the application for reimbursement of
8 the costs of the support program by the Department of Public
9 Aid as provided in Section 712.

10 (b) In any proceeding for a dissolution of marriage,
11 legal separation, or declaration of invalidity of marriage,
12 or in any supplementary proceedings in which a judgment or
13 modification thereof for the payment of child support is
14 entered on or after January 1, 1982, in any county covered by
15 Sections 709 through 712, and the person entitled to payment
16 is receiving a grant of financial aid under Article IV of the
17 Illinois Public Aid Code or has applied and qualified for
18 support services under Section 10-1 of that Code, the court
19 shall direct: (1) that such payments be made to the clerk of
20 the court and (2) that the parties affected shall each
21 thereafter notify the clerk of any change of address or
22 change in other conditions that may affect the administration
23 of the order, including the fact that a party who was
24 previously not on public aid has become a recipient of public
25 aid, within 10 days of such change. All notices sent to the
26 obligor's last known address on file with the clerk shall be
27 deemed sufficient to proceed with enforcement pursuant to the
28 provisions of Sections 709 through 712.

29 In all other cases, the court may direct that payments be
30 made to the clerk of the court.

31 (c) Except as provided in subsection (d) of this
32 Section, the clerk shall disburse the payments to the person
33 or persons entitled thereto under the terms of the order or
34 judgment.

1 (d) The court shall determine, prior to the entry of the
2 support order, if the party who is to receive the support is
3 presently receiving public aid or has a current application
4 for public aid pending and shall enter the finding on the
5 record.

6 If the person entitled to payment is a recipient of aid
7 under the Illinois Public Aid Code, the clerk, upon being
8 informed of this fact by finding of the court, by
9 notification by the party entitled to payment, by the
10 Illinois Department of Public Aid or by the local
11 governmental unit, shall make all payments to: (1) the
12 Illinois Department of Public Aid if the person is a
13 recipient under Article III, IV, or V of the Code or (2) the
14 local governmental unit responsible for his or her support if
15 the person is a recipient under Article VI or VII of the
16 Code. In accordance with federal law and regulations, the
17 Illinois Department of Public Aid may continue to collect
18 current maintenance payments or child support payments, or
19 both, after those persons cease to receive public assistance
20 and until termination of services under Article X of the
21 Illinois Public Aid Code. The Illinois Department of Public
22 Aid shall pay the net amount collected to those persons after
23 deducting any costs incurred in making the collection or any
24 collection fee from the amount of any recovery made. Upon
25 termination of public aid payments to such a recipient or
26 termination of services under Article X of the Illinois
27 Public Aid Code, the Illinois Department of Public Aid or the
28 appropriate local governmental unit shall notify the clerk in
29 writing or by electronic transmission that all subsequent
30 payments are to be sent directly to the person entitled
31 thereto.

32 Upon notification in writing or by electronic
33 transmission from the Illinois Department of Public Aid to
34 the clerk of the court that a person who is receiving support

1 payments under this Section is receiving services under the
2 Child Support Enforcement Program established by Title IV-D
3 of the Social Security Act, any support payments subsequently
4 received by the clerk of the court shall be transmitted in
5 accordance with the instructions of the Illinois Department
6 of Public Aid until the Department gives notice to the clerk
7 of the court to cease the transmittal. After providing the
8 notification authorized under this paragraph, the Illinois
9 Department of Public Aid shall be entitled as a party to
10 notice of any further proceedings in the case. The clerk of
11 the court shall file a copy of the Illinois Department of
12 Public Aid's notification in the court file. The failure of
13 the clerk to file a copy of the notification in the court
14 file shall not, however, affect the Illinois Department of
15 Public Aid's right to receive notice of further proceedings.

16 Payments under this Section to the Illinois Department of
17 Public Aid pursuant to the Child Support Enforcement Program
18 established by Title IV-D of the Social Security Act shall be
19 paid into the Child Support Enforcement Trust Fund. All
20 payments under this Section to the Illinois Department of
21 Human Services shall be deposited in the DHS Recoveries Trust
22 Fund. Disbursements from these funds shall be as provided in
23 the Illinois Public Aid Code. Payments received by a local
24 governmental unit shall be deposited in that unit's General
25 Assistance Fund.

26 (e) Any order or judgment may be amended by the court,
27 upon its own motion or upon the motion of either party, to
28 conform with the provisions of Sections 709 through 712,
29 either as to the requirement of making payments to the clerk
30 or, where payments are already being made to the clerk, as to
31 the statutory fees provided for under Section 711.

32 (f) The clerk may invest in any interest bearing account
33 or in any securities, monies collected for the benefit of a
34 payee, where such payee cannot be found; however, the

1 investment may be only for the period until the clerk is able
2 to locate and present the payee with such monies. The clerk
3 may invest in any interest bearing account, or in any
4 securities, monies collected for the benefit of any other
5 payee; however, this does not alter the clerk's obligation to
6 make payments to the payee in a timely manner. Any interest
7 or capital gains accrued shall be for the benefit of the
8 county and shall be paid into the special fund established in
9 subsection (b) of Section 711.

10 (g) The clerk shall establish and maintain a payment
11 record of all monies received and disbursed and such record
12 shall constitute prima facie evidence of such payment and
13 non-payment, as the case may be.

14 (h) For those cases in which child support is payable to
15 the clerk of the circuit court for transmittal to the
16 Illinois Department of Public Aid by order of court or upon
17 notification by the Illinois Department of Public Aid, the
18 clerk shall transmit all such payments, within 4 working days
19 of receipt, to insure that funds are available for immediate
20 distribution by the Department to the person or entity
21 entitled thereto in accordance with standards of the Child
22 Support Enforcement Program established under Title IV-D of
23 the Social Security Act. The clerk shall notify the
24 Department of the date of receipt and amount thereof at the
25 time of transmittal. Where the clerk has entered into an
26 agreement of cooperation with the Department to record the
27 terms of child support orders and payments made thereunder
28 directly into the Department's automated data processing
29 system, the clerk shall account for, transmit and otherwise
30 distribute child support payments in accordance with such
31 agreement in lieu of the requirements contained herein.

32 (i) To the extent the provisions of this Section are
33 inconsistent with the requirements pertaining to the State
34 Disbursement Unit under Section 507.1 of this Act and Section

1 10-26 of the Illinois Public Aid Code, the requirements
2 pertaining to the State Disbursement Unit shall apply.
3 (Source: P.A. 91-24, eff. 7-1-99; 91-212, eff. 7-20-99;
4 revised 9-28-99.)

5 (750 ILCS 5/713) (from Ch. 40, par. 713)

6 Sec. 713. Attachment of the Body. As used in this
7 Section, "obligor" has the same meaning ascribed to such term
8 in the Income Withholding for Support Act.

9 (a) In any proceeding to enforce an order for support,
10 where the obligor has failed to appear in court pursuant to
11 order of court and after due notice thereof, the court may
12 enter an order for the attachment of the body of the obligor.
13 Notices under this Section shall be served upon the obligor
14 by any means authorized under subsection (a-5) of Section
15 505. The attachment order shall fix an amount of escrow
16 which is equal to a minimum of 20% of the total child support
17 arrearage alleged by the obligee in sworn testimony to be due
18 and owing. The attachment order shall direct the Sheriff of
19 any county in Illinois to take the obligor into custody and
20 shall set the number of days following release from custody
21 for a hearing to be held at which the obligor must appear, if
22 he is released under subsection (b) ~~(e)~~ of this Section.

23 (b) If the obligor is taken into custody, the Sheriff
24 shall take the obligor before the court which entered the
25 attachment order. However, the Sheriff may release the
26 person after he or she has deposited the amount of escrow
27 ordered by the court pursuant to local procedures for the
28 posting of bond. The Sheriff shall advise the obligor of the
29 hearing date at which the obligor is required to appear.

30 (c) Any escrow deposited pursuant to this Section shall
31 be transmitted to the Clerk of the Circuit Court for the
32 county in which the order for attachment of the body of the
33 obligor was entered. Any Clerk who receives money deposited

1 into escrow pursuant to this Section shall notify the
2 obligee, public office or legal counsel whose name appears on
3 the attachment order of the court date at which the obligor
4 is required to appear and the amount deposited into escrow.
5 The Clerk shall disburse such money to the obligee only under
6 an order from the court that entered the attachment order
7 pursuant to this Section.

8 (d) Whenever an obligor is taken before the court by the
9 Sheriff, or appears in court after the court has ordered the
10 attachment of his body, the court shall:

11 (1) hold a hearing on the complaint or petition
12 that gave rise to the attachment order. For purposes of
13 determining arrearages that are due and owing by the
14 obligor, the court shall accept the previous sworn
15 testimony of the obligee as true and the appearance of
16 the obligee shall not be required. The court shall
17 require sworn testimony of the obligor as to his or her
18 Social Security number, income, employment, bank
19 accounts, property and any other assets. If there is a
20 dispute as to the total amount of arrearages, the court
21 shall proceed as in any other case as to the undisputed
22 amounts; and

23 (2) order the Clerk of the Circuit Court to
24 disburse to the obligee or public office money held in
25 escrow pursuant to this Section if the court finds that
26 the amount of arrearages exceeds the amount of the
27 escrow. Amounts received by the obligee or public office
28 shall be deducted from the amount of the arrearages.

29 (e) If the obligor fails to appear in court after being
30 notified of the court date by the Sheriff upon release from
31 custody, the court shall order any monies deposited into
32 escrow to be immediately released to the obligee or public
33 office and shall proceed under subsection (a) of this Section
34 by entering another order for the attachment of the body of

1 the obligor.

2 (f) This Section shall apply to any order for support
3 issued under the "Illinois Marriage and Dissolution of
4 Marriage Act", approved September 22, 1977, as amended; the
5 "Illinois Parentage Act of 1984", effective July 1, 1985, as
6 amended; the "Revised Uniform Reciprocal Enforcement of
7 Support Act", approved August 28, 1969, as amended; "The
8 Illinois Public Aid Code", approved April 11, 1967, as
9 amended; the Non-Support Punishment Act; and the "Non-support
10 of Spouse and Children Act", approved June 8, 1953, as
11 amended.

12 (g) Any escrow established pursuant to this Section for
13 the purpose of providing support shall not be subject to fees
14 collected by the Clerk of the Circuit Court for any other
15 escrow.

16 (Source: P.A. 90-673, eff. 1-1-99; 91-113, eff. 7-15-99;
17 91-613, eff. 10-1-99; revised 10-7-99.)

18 Section 97. The Non-Support Punishment Act is amended by
19 adding Section 23 (incorporating provisions from P.A. 91-397)
20 and changing Section 60 as follows:

21 (750 ILCS 16/23 new)

22 Sec. 23. Interest on support obligations. A support
23 obligation, or any portion of a support obligation, which
24 becomes due and remains unpaid for 30 days or more shall
25 accrue interest at the rate of 9% per annum.

26 (Source: Incorporates P.A. 91-397, eff. 1-1-00; revised
27 10-1-99.)

28 (750 ILCS 16/60)

29 Sec. 60. Unemployed persons owing duty of support.

30 (a) Whenever it is determined in a proceeding to
31 establish or enforce a child support or maintenance

1 obligation that the person owing a duty of support is
2 unemployed, the court may order the person to seek employment
3 and report periodically to the court with a diary, listing or
4 other memorandum of his or her efforts in accordance with
5 such order. Additionally, the court may order the unemployed
6 person to report to the Department of Employment Security for
7 job search services or to make application with the local Job
8 ~~Jobs~~ Training Partnership Act provider for participation in
9 job search, training, or work programs and where the duty of
10 support is owed to a child receiving support services under
11 Article X of the Illinois Public Aid Code the court may order
12 the unemployed person to report to the Illinois Department of
13 Public Aid for participation in job search, training, or work
14 programs established under Section 9-6 and Article IXA of
15 that Code.

16 (b) Whenever it is determined that a person owes past
17 due support for a child or for a child and the parent with
18 whom the child is living, and the child is receiving
19 assistance under the Illinois Public Aid Code, the court
20 shall order at the request of the Illinois Department of
21 Public Aid:

22 (1) that the person pay the past-due support in
23 accordance with a plan approved by the court; or

24 (2) if the person owing past-due support is
25 unemployed, is subject to such a plan, and is not
26 incapacitated, that the person participate in such job
27 search, training, or work programs established under
28 Section 9-6 and Article IXA of the Illinois Public Aid
29 Code as the court deems appropriate.

30 (Source: P.A. 91-613, eff. 10-1-99; revised 10-1-99.)

31 Section 97.4. The Expedited Child Support Act of 1990 is
32 amended by changing Section 6 as follows:

1 (750 ILCS 25/6) (from Ch. 40, par. 2706)

2 Sec. 6. Authority of hearing officers.

3 (a) With the exception of judicial functions exclusively
4 retained by the court in Section 8 of this Act and in
5 accordance with Supreme Court rules promulgated pursuant to
6 this Act, Administrative Hearing Officers shall be authorized
7 to:

8 (1) Accept voluntary agreements reached by the
9 parties setting the amount of child support to be paid
10 and medical support liability and recommend the entry of
11 orders incorporating such agreements.

12 (2) Accept voluntary acknowledgments of parentage
13 and recommend entry of an order establishing parentage
14 based on such acknowledgement. Prior to accepting such
15 acknowledgment, the Administrative Hearing Officer shall
16 advise the putative father of his rights and obligations
17 in accordance with Supreme Court rules promulgated
18 pursuant to this Act.

19 (3) Manage all stages of discovery, including
20 setting deadlines by which discovery must be completed;
21 and directing the parties to submit to appropriate tests
22 pursuant to Section 11 of the Illinois Parentage Act of
23 1984.

24 (4) Cause notices to be issued requiring the
25 Obligor to appear either before the Administrative
26 Hearing Officer or in court.

27 (5) Administer the oath or affirmation and take
28 testimony under oath or affirmation.

29 (6) Analyze the evidence and prepare written
30 recommendations based on such evidence, including but not
31 limited to: (i) proposed findings as to the amount of the
32 Obligor's income; (ii) proposed findings as to the amount
33 and nature of appropriate deductions from the Obligor's
34 income to determine the Obligor's net income; (iii)

1 proposed findings as to the existence of relevant factors
2 as set forth in subsection (a)(2) of Section 505 of the
3 Illinois Marriage and Dissolution of Marriage Act, which
4 justify setting child support payment levels above or
5 below the guidelines; (iv) recommended orders for
6 temporary child support; (v) recommended orders setting
7 the amount of current child support to be paid; (vi)
8 proposed findings as to the existence and amount of any
9 arrearages; (vii) recommended orders reducing any
10 arrearages to judgement and for the payment of amounts
11 towards such arrearages; (viii) proposed findings as to
12 whether there has been a substantial change of
13 circumstances since the entry of the last child support
14 order, or other circumstances justifying a modification
15 of the child support order; and (ix) proposed findings as
16 to whether the Obligor is employed.

17 (7) With respect to any unemployed Obligor who is
18 not making child support payments or is otherwise unable
19 to provide support, recommend that the Obligor be ordered
20 to seek employment and report periodically of his or her
21 efforts in accordance with such order. Additionally, the
22 Administrative Hearing Officer may recommend that the
23 Obligor be ordered to report to the Department of
24 Employment Security for job search services or to make
25 application with the local Job Jobs Training Partnership
26 Act provider for participation in job search, training or
27 work programs and, where the duty of support is owed to a
28 child receiving support services under Article X of the
29 Illinois Public Aid Code, the Administrative Hearing
30 Officer may recommend that the Obligor be ordered to
31 report to the Illinois Department of Public Aid for
32 participation in the job search, training or work
33 programs established under Section 9-6 of the Public Aid
34 Code, and

1 (8) Recommend the registration of any foreign
2 support judgments or orders as the judgments or orders of
3 Illinois.

4 (b) In any case in which the Obligee is not
5 participating in the IV-D program or has not applied to
6 participate in the IV-D program, the Administrative Hearing
7 Officer shall:

8 (1) inform the Obligee of the existence of the IV-D
9 program and provide applications on request; and

10 (2) inform the Obligee and the Obligor of the
11 option of requesting payment to be made through the Clerk
12 of the Circuit Court.

13 If a request for payment through the Clerk is made, the
14 Administrative Hearing Officer shall note this fact in the
15 recommendations to the court.

16 (c) The Administrative Hearing Officer may make
17 recommendations in addition to the proposed findings of fact
18 and recommended order to which the parties have agreed.

19 (Source: P.A. 86-1401; revised 2-23-00.)

20 Section 98. The Illinois Parentage Act of 1984 is
21 amended by changing Sections 6, 15, and 21 as follows:

22 (750 ILCS 45/6) (from Ch. 40, par. 2506)

23 Sec. 6. Establishment of Parent and Child Relationship
24 by Consent of the Parties.

25 (a) A parent and child relationship may be established
26 voluntarily by the signing and witnessing of a voluntary
27 acknowledgment of parentage in accordance with Section 12 of
28 the Vital Records Act or Section 10-17.7 of the Illinois
29 Public Aid Code. The voluntary acknowledgment of parentage
30 shall contain the social security numbers of the persons
31 signing the voluntary acknowledgment of parentage; however,
32 failure to include the social security numbers of the persons

1 signing a voluntary acknowledgment of parentage does not
2 invalidate the voluntary acknowledgment of parentage.

3 (1) A parent-child relationship may be established
4 in the event of surrogacy if all of the following
5 conditions are met prior to the birth of the child:

6 (A) The surrogate mother certifies that she is
7 not the biological mother of the child, and that she
8 is carrying the child of the biological father
9 (sperm donor) and of the biological mother (egg
10 donor).

11 (B) The husband, if any, of the surrogate
12 mother certifies that he is not the biological
13 father of the child and that the child is that of
14 the biological father (sperm donor) and of the
15 biological mother (egg donor).

16 (C) The biological mother certifies that she
17 donated the egg from which the child being carried
18 by the surrogate mother was conceived.

19 (D) The biological father certifies that he
20 donated the sperm from which the child being carried
21 by the surrogate mother was conceived.

22 (E) A physician licensed to practice medicine
23 in all its branches in the State of Illinois
24 certifies that the child being carried by the
25 surrogate mother is the biological child of the
26 biological mother (egg donor) and biological father
27 (sperm donor), and that neither the surrogate mother
28 nor the surrogate mother's husband, if any, is a
29 biological parent of the child being carried by the
30 surrogate mother.

31 (F) All certifications shall be in writing and
32 witnessed by 2 competent adults who are not the
33 surrogate mother, surrogate mother's husband, if
34 any, biological mother, or biological father.

1 Certifications shall be on forms prescribed by the
2 Illinois Department of Public Health, shall be
3 executed prior to the birth of the child, and shall
4 be placed in the medical records of the surrogate
5 mother prior to the birth of the child. Copies of
6 all certifications shall be delivered to the
7 Illinois Department of Public Health prior to the
8 birth of the child.

9 (2) Unless otherwise determined by order of the
10 Circuit Court, the child shall be presumed to be the
11 child of the surrogate mother and of the surrogate
12 mother's husband, if any, if all requirements of
13 subdivision (a)(1) are not met prior to the birth of the
14 child. This presumption may be rebutted by clear and
15 convincing evidence. The circuit court may order the
16 surrogate mother, surrogate mother's husband, biological
17 mother, biological father, and child to submit to such
18 medical examinations and testing as the court deems
19 appropriate.

20 (b) Notwithstanding any other provisions of this Act,
21 paternity established in accordance with subsection (a) has
22 the full force and effect of a judgment entered under this
23 Act and serves as a basis for seeking a child support order
24 without any further proceedings to establish paternity.

25 (c) A judicial or administrative proceeding to ratify
26 paternity established in accordance with subsection (a) is
27 neither required nor permitted.

28 (d) A signed acknowledgment of paternity entered under
29 this Act may be challenged in court only on the basis of
30 fraud, duress, or material mistake of fact, with the burden
31 of proof upon the challenging party. Pending outcome of the
32 challenge to the acknowledgment of paternity, the legal
33 responsibilities of the signatories shall remain in full
34 force and effect, except upon order of the court upon a

1 showing of good cause.

2 (e) Once a parent and child relationship is established
3 in accordance with subsection (a), an order for support may
4 be established pursuant to a petition to establish an order
5 for support by consent filed with the clerk of the circuit
6 court. A copy of the properly completed acknowledgment of
7 parentage form shall be attached to the petition. The
8 petition shall ask that the circuit court enter an order for
9 support. The petition may ask that an order for visitation,
10 custody, or guardianship be entered. The filing and
11 appearance fees provided under the Clerks of Courts Act shall
12 be waived for all cases in which an acknowledgment of
13 parentage form has been properly completed by the parties and
14 in which a petition to establish an order for support by
15 consent has been filed with the clerk of the circuit court.
16 This subsection shall not be construed to prohibit filing any
17 petition for child support, visitation, or custody under this
18 Act, the Illinois Marriage and Dissolution of Marriage Act,
19 or the Non-Support Punishment Act. This subsection shall
20 also not be construed to prevent the establishment of an
21 administrative support order in cases involving persons
22 receiving child support enforcement services under Article X
23 of the Illinois Public Aid Code.

24 (Source: P.A. 90-18, eff. 7-1-97; 91-308, eff. 7-29-99;
25 91-613, eff. 10-1-99; revised 9-28-99.)

26 (750 ILCS 45/15) (from Ch. 40, par. 2515)

27 Sec. 15. Enforcement of Judgment or Order.

28 (a) If existence of the parent and child relationship is
29 declared, or paternity or duty of support has been
30 established under this Act or under prior law or under the
31 law of any other jurisdiction, the judgment rendered
32 thereunder may be enforced in the same or other proceedings
33 by any party or any person or agency that has furnished or

1 may furnish financial assistance or services to the child.
2 The Income Withholding for Support Act and Sections 14 and 16
3 of this Act shall also be applicable with respect to entry,
4 modification and enforcement of any support judgment entered
5 under provisions of the "Paternity Act", approved July 5,
6 1957, as amended, repealed July 1, 1985.

7 (b) Failure to comply with any order of the court shall
8 be punishable as contempt as in other cases of failure to
9 comply under the "Illinois Marriage and Dissolution of
10 Marriage Act", as now or hereafter amended. In addition to
11 other penalties provided by law, the court may, after finding
12 the party guilty of contempt, order that the party be:

13 (1) Placed on probation with such conditions of
14 probation as the court deems advisable;

15 (2) Sentenced to periodic imprisonment for a period
16 not to exceed 6 months. However, the court may permit
17 the party to be released for periods of time during the
18 day or night to work or conduct business or other
19 self-employed occupation. The court may further order
20 any part of all the earnings of a party during a sentence
21 of periodic imprisonment to be paid to the Clerk of the
22 Circuit Court or to the person or parent having custody
23 of the minor child for the support of said child until
24 further order of the court.

25 (2.5) The court may also pierce the ownership veil
26 of a person, persons, or business entity to discover
27 assets of a non-custodial parent held in the name of that
28 person, those persons, or that business entity if there
29 is a unity of interest and ownership sufficient to render
30 no financial separation between the non-custodial parent
31 and that person, those persons, or the business entity.
32 The following circumstances are sufficient for a court to
33 order discovery of the assets of a person, persons, or
34 business entity and to compel the application of any

1 discovered assets toward payment on the judgment for
2 support:

3 (A) the non-custodial parent and the person,
4 persons, or business entity maintain records
5 together.

6 (B) the non-custodial parent and the person,
7 persons, or business entity fail to maintain an arms
8 length relationship between themselves with regard
9 to any assets.

10 (C) the non-custodial parent transfers assets
11 to the person, persons, or business entity with the
12 intent to perpetrate a fraud on the custodial
13 parent.

14 With respect to assets which are real property, no
15 order entered under this subdivision (2.5) shall affect
16 the rights of bona fide purchasers, mortgagees, judgment
17 creditors, or other lien holders who acquire their
18 interests in the property prior to the time a notice of
19 lis pendens pursuant to the Code of Civil Procedure or a
20 copy of the order is placed of record in the office of
21 the recorder of deeds for the county in which the real
22 property is located.

23 (3) The court may also order that in cases where
24 the party is 90 days or more delinquent in payment of
25 support or has been adjudicated in arrears in an amount
26 equal to 90 days obligation or more, that the party's
27 Illinois driving privileges be suspended until the court
28 determines that the party is in compliance with the
29 judgement or duty of support. The court may also order
30 that the parent be issued a family financial
31 responsibility driving permit that would allow limited
32 driving privileges for employment and medical purposes in
33 accordance with Section 7-702.1 of the Illinois Vehicle
34 Code. The clerk of the circuit court shall certify the

1 order suspending the driving privileges of the parent or
2 granting the issuance of a family financial
3 responsibility driving permit to the Secretary of State
4 on forms prescribed by the Secretary. Upon receipt of the
5 authenticated documents, the Secretary of State shall
6 suspend the party's driving privileges until further
7 order of the court and shall, if ordered by the court,
8 subject to the provisions of Section 7-702.1 of the
9 Illinois Vehicle Code, issue a family financial
10 responsibility driving permit to the parent.

11 In addition to the penalties or punishment that may be
12 imposed under this Section, any person whose conduct
13 constitutes a violation of Section 15.1 of the Non-Support
14 Punishment of Spouse and Children Act may be prosecuted under
15 that Act Section, and a person convicted under that Act
16 Section may be sentenced in accordance with that Act Section.
17 The sentence may include but need not be limited to a
18 requirement that the person perform community service under
19 Section 50 subsection-(b) of that Act Section or participate
20 in a work alternative program under Section 50 subsection-(e)
21 of that Act Section. A person may not be required to
22 participate in a work alternative program under Section 50
23 subsection-(e) of that Act Section if the person is currently
24 participating in a work program pursuant to Section 15.1 of
25 this Act.

26 (c) In any post-judgment proceeding to enforce or modify
27 the judgment the parties shall continue to be designated as
28 in the original proceeding.

29 (Source: P.A. 90-476, eff. 1-1-98; 90-673, eff. 1-1-99;
30 90-733, eff. 8-11-98; 91-357, eff. 7-29-99; revised
31 10-13-99.)

32 (750 ILCS 45/21) (from Ch. 40, par. 2521)

33 Sec. 21. Support payments; receiving and disbursing

1 agents.

2 (1) In an action filed in a county of less than 3
3 million population in which an order for child support is
4 entered, and in supplementary proceedings in such a county to
5 enforce or vary the terms of such order arising out of an
6 action filed in such a county, the court, except in actions
7 or supplementary proceedings in which the pregnancy and
8 delivery expenses of the mother or the child support payments
9 are for a recipient of aid under the Illinois Public Aid
10 Code, shall direct that child support payments be made to the
11 clerk of the court unless in the discretion of the court
12 exceptional circumstances warrant otherwise. In cases where
13 payment is to be made to persons other than the clerk of the
14 court the judgment or order of support shall set forth the
15 facts of the exceptional circumstances.

16 (2) In an action filed in a county of 3 million or more
17 population in which an order for child support is entered,
18 and in supplementary proceedings in such a county to enforce
19 or vary the terms of such order arising out of an action
20 filed in such a county, the court, except in actions or
21 supplementary proceedings in which the pregnancy and delivery
22 expenses of the mother or the child support payments are for
23 a recipient of aid under the Illinois Public Aid Code, shall
24 direct that child support payments be made either to the
25 clerk of the court or to the Court Service Division of the
26 County Department of Public Aid, or to the clerk of the court
27 or to the Illinois Department of Public Aid, unless in the
28 discretion of the court exceptional circumstances warrant
29 otherwise. In cases where payment is to be made to persons
30 other than the clerk of the court, the Court Service Division
31 of the County Department of Public Aid, or the Illinois
32 Department of Public Aid, the judgment or order of support
33 shall set forth the facts of the exceptional circumstances.

34 (3) Where the action or supplementary proceeding is in

1 behalf of a mother for pregnancy and delivery expenses or for
2 child support, or both, and the mother, child, or both, are
3 recipients of aid under the Illinois Public Aid Code, the
4 court shall order that the payments be made directly to (a)
5 the Illinois Department of Public Aid if the mother or child,
6 or both, are recipients under Articles IV or V of the Code,
7 or (b) the local governmental unit responsible for the
8 support of the mother or child, or both, if they are
9 recipients under Articles VI or VII of the Code. In
10 accordance with federal law and regulations, the Illinois
11 Department of Public Aid may continue to collect current
12 maintenance payments or child support payments, or both,
13 after those persons cease to receive public assistance and
14 until termination of services under Article X of the Illinois
15 Public Aid Code. The Illinois Department of Public Aid shall
16 pay the net amount collected to those persons after deducting
17 any costs incurred in making the collection or any collection
18 fee from the amount of any recovery made. The Illinois
19 Department of Public Aid or the local governmental unit, as
20 the case may be, may direct that payments be made directly to
21 the mother of the child, or to some other person or agency in
22 the child's behalf, upon the removal of the mother and child
23 from the public aid rolls or upon termination of services
24 under Article X of the Illinois Public Aid Code; and upon
25 such direction, the Illinois Department or the local
26 governmental unit, as the case requires, shall give notice of
27 such action to the court in writing or by electronic
28 transmission.

29 (4) All clerks of the court and the Court Service
30 Division of a County Department of Public Aid and the
31 Illinois Department of Public Aid, receiving child support
32 payments under paragraphs (1) or (2) shall disburse the same
33 to the person or persons entitled thereto under the terms of
34 the order. They shall establish and maintain clear and

1 current records of all moneys received and disbursed and of
2 defaults and delinquencies in required payments. The court,
3 by order or rule, shall make provision for the carrying out
4 of these duties.

5 Upon notification in writing or by electronic
6 transmission from the Illinois Department of Public Aid to
7 the clerk of the court that a person who is receiving support
8 payments under this Section is receiving services under the
9 Child Support Enforcement Program established by Title IV-D
10 of the Social Security Act, any support payments subsequently
11 received by the clerk of the court shall be transmitted in
12 accordance with the instructions of the Illinois Department
13 of Public Aid until the Department gives notice to cease the
14 transmittal. After providing the notification authorized
15 under this paragraph, the Illinois Department of Public Aid
16 shall be entitled as a party to notice of any further
17 proceedings in the case. The clerk of the court shall file a
18 copy of the Illinois Department of Public Aid's notification
19 in the court file. The failure of the clerk to file a copy
20 of the notification in the court file shall not, however,
21 affect the Illinois Department of Public Aid's right to
22 receive notice of further proceedings.

23 Payments under this Section to the Illinois Department of
24 Public Aid pursuant to the Child Support Enforcement Program
25 established by Title IV-D of the Social Security Act shall be
26 paid into the Child Support Enforcement Trust Fund. All
27 payments under this Section to the Illinois Department of
28 Human Services shall be deposited in the DHS Recoveries Trust
29 Fund. Disbursement from these funds shall be as provided in
30 the Illinois Public Aid Code. Payments received by a local
31 governmental unit shall be deposited in that unit's General
32 Assistance Fund.

33 (5) The moneys received by persons or agencies
34 designated by the court shall be disbursed by them in

1 accordance with the order. However, the court, on petition
2 of the state's attorney, may enter new orders designating the
3 clerk of the court or the Illinois Department of Public Aid,
4 as the person or agency authorized to receive and disburse
5 child support payments and, in the case of recipients of
6 public aid, the court, on petition of the Attorney General or
7 State's Attorney, shall direct subsequent payments to be paid
8 to the Illinois Department of Public Aid or to the
9 appropriate local governmental unit, as provided in paragraph
10 (3). Payments of child support by principals or sureties on
11 bonds, or proceeds of any sale for the enforcement of a
12 judgment shall be made to the clerk of the court, the
13 Illinois Department of Public Aid or the appropriate local
14 governmental unit, as the respective provisions of this
15 Section require.

16 (6) For those cases in which child support is payable to
17 the clerk of the circuit court for transmittal to the
18 Illinois Department of Public Aid by order of court or upon
19 notification by the Illinois Department of Public Aid, the
20 clerk shall transmit all such payments, within 4 working days
21 of receipt, to insure that funds are available for immediate
22 distribution by the Department to the person or entity
23 entitled thereto in accordance with standards of the Child
24 Support Enforcement Program established under Title IV-D of
25 the Social Security Act. The clerk shall notify the
26 Department of the date of receipt and amount thereof at the
27 time of transmittal. Where the clerk has entered into an
28 agreement of cooperation with the Department to record the
29 terms of child support orders and payments made thereunder
30 directly into the Department's automated data processing
31 system, the clerk shall account for, transmit and otherwise
32 distribute child support payments in accordance with such
33 agreement in lieu of the requirements contained herein.

34 (7) To the extent the provisions of this Section are

1 inconsistent with the requirements pertaining to the State
2 Disbursement Unit under Section 21.1 of this Act and Section
3 10-26 of the Illinois Public Aid Code, the requirements
4 pertaining to the State Disbursement Unit shall apply.

5 (Source: P.A. 90-18, eff. 7-1-97; 90-673, eff. 1-1-99;
6 90-790, eff. 8-14-98; 91-24, eff. 7-1-99; 91-212, eff.
7 7-20-99; 91-357, eff. 7-29-99; revised 9-1-99.)

8 Section 99. The Adoption Act is amended by changing
9 Sections 1 and 18.1 as follows:

10 (750 ILCS 50/1) (from Ch. 40, par. 1501)

11 Sec. 1. Definitions. When used in this Act, unless the
12 context otherwise requires:

13 A. "Child" means a person under legal age subject to
14 adoption under this Act.

15 B. "Related child" means a child subject to adoption
16 where either or both of the adopting parents stands in any of
17 the following relationships to the child by blood or
18 marriage: parent, grand-parent, brother, sister, step-parent,
19 step-grandparent, step-brother, step-sister, uncle, aunt,
20 great-uncle, great-aunt, or cousin of first degree. A child
21 whose parent has executed a final irrevocable consent to
22 adoption or a final irrevocable surrender for purposes of
23 adoption, or whose parent has had his or her parental rights
24 terminated, is not a related child to that person, unless the
25 consent is determined to be void or is void pursuant to
26 subsection 0 of Section 10.

27 C. "Agency" for the purpose of this Act means a public
28 child welfare agency or a licensed child welfare agency.

29 D. "Unfit person" means any person whom the court shall
30 find to be unfit to have a child, without regard to the
31 likelihood that the child will be placed for adoption. The
32 grounds of unfitness are any one or more of the following:

1 (a) Abandonment of the child.

2 (a-1) Abandonment of a newborn infant in a
3 hospital.

4 (a-2) Abandonment of a newborn infant in any
5 setting where the evidence suggests that the parent
6 intended to relinquish his or her parental rights.

7 (b) Failure to maintain a reasonable degree of
8 interest, concern or responsibility as to the child's
9 welfare.

10 (c) Desertion of the child for more than 3 months
11 next preceding the commencement of the Adoption
12 proceeding.

13 (d) Substantial neglect of the child if continuous
14 or repeated.

15 (d-1) Substantial neglect, if continuous or
16 repeated, of any child residing in the household which
17 resulted in the death of that child.

18 (e) Extreme or repeated cruelty to the child.

19 (f) Two or more findings of physical abuse to any
20 children under Section 4-8 of the Juvenile Court Act or
21 Section 2-21 of the Juvenile Court Act of 1987, the most
22 recent of which was determined by the juvenile court
23 hearing the matter to be supported by clear and
24 convincing evidence; a criminal conviction or a finding
25 of not guilty by reason of insanity resulting from the
26 death of any child by physical child abuse; or a finding
27 of physical child abuse resulting from the death of any
28 child under Section 4-8 of the Juvenile Court Act or
29 Section 2-21 of the Juvenile Court Act of 1987.

30 (g) Failure to protect the child from conditions
31 within his environment injurious to the child's welfare.

32 (h) Other neglect of, or misconduct toward the
33 child; provided that in making a finding of unfitness the
34 court hearing the adoption proceeding shall not be bound

1 by any previous finding, order or judgment affecting or
2 determining the rights of the parents toward the child
3 sought to be adopted in any other proceeding except such
4 proceedings terminating parental rights as shall be had
5 under either this Act, the Juvenile Court Act or the
6 Juvenile Court Act of 1987.

7 (i) Depravity. Conviction of any one of the
8 following crimes shall create a presumption that a parent
9 is depraved which can be overcome only by clear and
10 convincing evidence: (1) first degree murder in violation
11 of paragraph 1 or 2 of subsection (a) of Section 9-1 of
12 the Criminal Code of 1961 or conviction of second degree
13 murder in violation of subsection (a) of Section 9-2 of
14 the Criminal Code of 1961 of a parent of the child to be
15 adopted; (2) first degree murder or second degree murder
16 of any child in violation of the Criminal Code of 1961;
17 (3) attempt or conspiracy to commit first degree murder
18 or second degree murder of any child in violation of the
19 Criminal Code of 1961; (4) solicitation to commit murder
20 of any child, solicitation to commit murder of any child
21 for hire, or solicitation to commit second degree murder
22 of any child in violation of the Criminal Code of 1961;
23 or (5) aggravated criminal sexual assault in violation of
24 Section 12-14(b)(1) of the Criminal Code of 1961.

25 There is a rebuttable presumption that a parent is
26 depraved if the parent has been criminally convicted of
27 at least 3 felonies under the laws of this State or any
28 other state, or under federal law, or the criminal laws
29 of any United States territory; and at least one of these
30 convictions took place within 5 years of the filing of
31 the petition or motion seeking termination of parental
32 rights.

33 There is a rebuttable presumption that a parent is
34 depraved if that parent has been criminally convicted of

1 either first or second degree murder of any person as
2 defined in the Criminal Code of 1961 within 10 years of
3 the filing date of the petition or motion to terminate
4 parental rights.

5 (j) Open and notorious adultery or fornication.

6 (j-1) (Blank).

7 (k) Habitual drunkenness or addiction to drugs,
8 other than those prescribed by a physician, for at least
9 one year immediately prior to the commencement of the
10 unfitness proceeding.

11 There is a rebuttable presumption that a parent is
12 unfit under this subsection with respect to any child to
13 which that parent gives birth where there is a confirmed
14 test result that at birth the child's blood, urine, or
15 meconium contained any amount of a controlled substance
16 as defined in subsection (f) of Section 102 of the
17 Illinois Controlled Substances Act or metabolites of such
18 substances, the presence of which in the newborn infant
19 was not the result of medical treatment administered to
20 the mother or the newborn infant; and the biological
21 mother of this child is the biological mother of at least
22 one other child who was adjudicated a neglected minor
23 under subsection (c) of Section 2-3 of the Juvenile Court
24 Act of 1987.

25 (l) Failure to demonstrate a reasonable degree of
26 interest, concern or responsibility as to the welfare of
27 a new born child during the first 30 days after its
28 birth.

29 (m) Failure by a parent (i) to make reasonable
30 efforts to correct the conditions that were the basis for
31 the removal of the child from the parent, or (ii) to make
32 reasonable progress toward the return of the child to the
33 parent within 9 months after an adjudication of neglected
34 or abused minor under Section 2-3 of the Juvenile Court

1 Act of 1987 or dependent minor under Section 2-4 of that
2 Act, or (iii) to make reasonable progress toward the
3 return of the child to the parent during any 9-month
4 period after the end of the initial 9-month period
5 following the adjudication of neglected or abused minor
6 under Section 2-3 of the Juvenile Court Act of 1987 or
7 dependent minor under Section 2-4 of that Act. If a
8 service plan has been established as required under
9 Section 8.2 of the Abused and Neglected Child Reporting
10 Act to correct the conditions that were the basis for the
11 removal of the child from the parent and if those
12 services were available, then, for purposes of this Act,
13 "failure to make reasonable progress toward the return of
14 the child to the parent" includes (I) the parent's
15 failure to substantially fulfill his or her obligations
16 under the service plan and correct the conditions that
17 brought the child into care within 9 months after the
18 adjudication under Section 2-3 or 2-4 of the Juvenile
19 Court Act of 1987 and (II) the parent's failure to
20 substantially fulfill his or her obligations under the
21 service plan and correct the conditions that brought the
22 child into care during any 9-month period after the end
23 of the initial 9-month period following the adjudication
24 under Section 2-3 or 2-4 of the Juvenile Court Act of
25 1987.

26 (m-1) Pursuant to the Juvenile Court Act of 1987, a
27 child has been in foster care for 15 months out of any 22
28 month period which begins on or after the effective date
29 of this amendatory Act of 1998 unless the child's parent
30 can prove by a preponderance of the evidence that it is
31 more likely than not that it will be in the best
32 interests of the child to be returned to the parent
33 within 6 months of the date on which a petition for
34 termination of parental rights is filed under the

1 Juvenile Court Act of 1987. The 15 month time limit is
2 tolled during any period for which there is a court
3 finding that the appointed custodian or guardian failed
4 to make reasonable efforts to reunify the child with his
5 or her family, provided that (i) the finding of no
6 reasonable efforts is made within 60 days of the period
7 when reasonable efforts were not made or (ii) the parent
8 filed a motion requesting a finding of no reasonable
9 efforts within 60 days of the period when reasonable
10 efforts were not made. For purposes of this subdivision
11 (m-1), the date of entering foster care is the earlier
12 of: (i) the date of a judicial finding at an adjudicatory
13 hearing that the child is an abused, neglected, or
14 dependent minor; or (ii) 60 days after the date on which
15 the child is removed from his or her parent, guardian, or
16 legal custodian.

17 (n) Evidence of intent to forgo his or her parental
18 rights, whether or not the child is a ward of the court,
19 (1) as manifested by his or her failure for a period of
20 12 months: (i) to visit the child, (ii) to communicate
21 with the child or agency, although able to do so and not
22 prevented from doing so by an agency or by court order,
23 or (iii) to maintain contact with or plan for the future
24 of the child, although physically able to do so, or (2)
25 as manifested by the father's failure, where he and the
26 mother of the child were unmarried to each other at the
27 time of the child's birth, (i) to commence legal
28 proceedings to establish his paternity under the Illinois
29 Parentage Act of 1984 or the law of the jurisdiction of
30 the child's birth within 30 days of being informed,
31 pursuant to Section 12a of this Act, that he is the
32 father or the likely father of the child or, after being
33 so informed where the child is not yet born, within 30
34 days of the child's birth, or (ii) to make a good faith

1 effort to pay a reasonable amount of the expenses related
2 to the birth of the child and to provide a reasonable
3 amount for the financial support of the child, the court
4 to consider in its determination all relevant
5 circumstances, including the financial condition of both
6 parents; provided that the ground for termination
7 provided in this subparagraph (n)(2)(ii) shall only be
8 available where the petition is brought by the mother or
9 the husband of the mother.

10 Contact or communication by a parent with his or her
11 child that does not demonstrate affection and concern
12 does not constitute reasonable contact and planning under
13 subdivision (n). In the absence of evidence to the
14 contrary, the ability to visit, communicate, maintain
15 contact, pay expenses and plan for the future shall be
16 presumed. The subjective intent of the parent, whether
17 expressed or otherwise, unsupported by evidence of the
18 foregoing parental acts manifesting that intent, shall
19 not preclude a determination that the parent has intended
20 to forgo his or her parental rights. In making this
21 determination, the court may consider but shall not
22 require a showing of diligent efforts by an authorized
23 agency to encourage the parent to perform the acts
24 specified in subdivision (n).

25 It shall be an affirmative defense to any allegation
26 under paragraph (2) of this subsection that the father's
27 failure was due to circumstances beyond his control or to
28 impediments created by the mother or any other person
29 having legal custody. Proof of that fact need only be by
30 a preponderance of the evidence.

31 (o) Repeated or continuous failure by the parents,
32 although physically and financially able, to provide the
33 child with adequate food, clothing, or shelter.

34 (p) Inability to discharge parental

1 responsibilities supported by competent evidence from a
2 psychiatrist, licensed clinical social worker, or
3 clinical psychologist of mental impairment, mental
4 illness or mental retardation as defined in Section 1-116
5 of the Mental Health and Developmental Disabilities Code,
6 or developmental disability as defined in Section 1-106
7 of that Code, and there is sufficient justification to
8 believe that the inability to discharge parental
9 responsibilities shall extend beyond a reasonable time
10 period. However, this subdivision (p) shall not be
11 construed so as to permit a licensed clinical social
12 worker to conduct any medical diagnosis to determine
13 mental illness or mental impairment.

14 (q) The parent has been criminally convicted of
15 aggravated battery, heinous battery, or attempted murder
16 of any child.

17 (r) The child is in the temporary custody or
18 guardianship of the Department of Children and Family
19 Services, the parent is incarcerated as a result of
20 criminal conviction at the time the petition or motion
21 for termination of parental rights is filed, prior to
22 incarceration the parent had little or no contact with
23 the child or provided little or no support for the child,
24 and the parent's incarceration will prevent the parent
25 from discharging his or her parental responsibilities for
26 the child for a period in excess of 2 years after the
27 filing of the petition or motion for termination of
28 parental rights.

29 (s) The child is in the temporary custody or
30 guardianship of the Department of Children and Family
31 Services, the parent is incarcerated at the time the
32 petition or motion for termination of parental rights is
33 filed, the parent has been repeatedly incarcerated as a
34 result of criminal convictions, and the parent's repeated

1 incarceration has prevented the parent from discharging
2 his or her parental responsibilities for the child.

3 (t) A finding that at birth the child's blood,
4 urine, or meconium contained any amount of a controlled
5 substance as defined in subsection (f) of Section 102 of
6 the Illinois Controlled Substances Act, or a metabolite
7 of a controlled substance, with the exception of
8 controlled substances or metabolites of such substances,
9 the presence of which in the newborn infant was the
10 result of medical treatment administered to the mother or
11 the newborn infant, and that the biological mother of
12 this child is the biological mother of at least one other
13 child who was adjudicated a neglected minor under
14 subsection (c) of Section 2-3 of the Juvenile Court Act
15 of 1987, after which the biological mother had the
16 opportunity to enroll in and participate in a clinically
17 appropriate substance abuse counseling, treatment, and
18 rehabilitation program.

19 E. "Parent" means the father or mother of a legitimate
20 or illegitimate child. For the purpose of this Act, a person
21 who has executed a final and irrevocable consent to adoption
22 or a final and irrevocable surrender for purposes of
23 adoption, or whose parental rights have been terminated by a
24 court, is not a parent of the child who was the subject of
25 the consent or surrender, unless the consent is void pursuant
26 to subsection O of Section 10.

27 F. A person is available for adoption when the person
28 is:

29 (a) a child who has been surrendered for adoption
30 to an agency and to whose adoption the agency has
31 thereafter consented;

32 (b) a child to whose adoption a person authorized
33 by law, other than his parents, has consented, or to
34 whose adoption no consent is required pursuant to Section

1 8 of this Act;

2 (c) a child who is in the custody of persons who
3 intend to adopt him through placement made by his
4 parents;

5 (c-1) a child for whom a parent has signed a
6 specific consent pursuant to subsection O of Section 10;
7 or

8 (d) an adult who meets the conditions set forth in
9 Section 3 of this Act.

10 A person who would otherwise be available for adoption
11 shall not be deemed unavailable for adoption solely by reason
12 of his or her death.

13 G. The singular includes the plural and the plural
14 includes the singular and the "male" includes the "female",
15 as the context of this Act may require.

16 H. "Adoption disruption" occurs when an adoptive
17 placement does not prove successful and it becomes necessary
18 for the child to be removed from placement before the
19 adoption is finalized.

20 I. "Foreign placing agency" is an agency or individual
21 operating in a country or territory outside the United States
22 that is authorized by its country to place children for
23 adoption either directly with families in the United States
24 or through United States based international agencies.

25 J. "Immediate relatives" means the biological parents,
26 the parents of the biological parents and siblings of the
27 biological parents.

28 K. "Intercountry adoption" is a process by which a child
29 from a country other than the United States is adopted.

30 L. "Intercountry Adoption Coordinator" is a staff person
31 of the Department of Children and Family Services appointed
32 by the Director to coordinate the provision of services by
33 the public and private sector to prospective parents of
34 foreign-born children.

1 M. "Interstate Compact on the Placement of Children" is
2 a law enacted by most states for the purpose of establishing
3 uniform procedures for handling the interstate placement of
4 children in foster homes, adoptive homes, or other child care
5 facilities.

6 N. "Non-Compact state" means a state that has not
7 enacted the Interstate Compact on the Placement of Children.

8 O. "Preadoption requirements" are any conditions
9 established by the laws or regulations of the Federal
10 Government or of each state that must be met prior to the
11 placement of a child in an adoptive home.

12 P. "Abused child" means a child whose parent or
13 immediate family member, or any person responsible for the
14 child's welfare, or any individual residing in the same home
15 as the child, or a paramour of the child's parent:

16 (a) inflicts, causes to be inflicted, or allows to
17 be inflicted upon the child physical injury, by other
18 than accidental means, that causes death, disfigurement,
19 impairment of physical or emotional health, or loss or
20 impairment of any bodily function;

21 (b) creates a substantial risk of physical injury
22 to the child by other than accidental means which would
23 be likely to cause death, disfigurement, impairment of
24 physical or emotional health, or loss or impairment of
25 any bodily function;

26 (c) commits or allows to be committed any sex
27 offense against the child, as sex offenses are defined in
28 the Criminal Code of 1961 and extending those definitions
29 of sex offenses to include children under 18 years of
30 age;

31 (d) commits or allows to be committed an act or
32 acts of torture upon the child; or

33 (e) inflicts excessive corporal punishment.

34 Q. "Neglected child" means any child whose parent or

1 other person responsible for the child's welfare withholds or
2 denies nourishment or medically indicated treatment including
3 food or care denied solely on the basis of the present or
4 anticipated mental or physical impairment as determined by a
5 physician acting alone or in consultation with other
6 physicians or otherwise does not provide the proper or
7 necessary support, education as required by law, or medical
8 or other remedial care recognized under State law as
9 necessary for a child's well-being, or other care necessary
10 for his or her well-being, including adequate food, clothing
11 and shelter; or who is abandoned by his or her parents or
12 other person responsible for the child's welfare.

13 A child shall not be considered neglected or abused for
14 the sole reason that the child's parent or other person
15 responsible for his or her welfare depends upon spiritual
16 means through prayer alone for the treatment or cure of
17 disease or remedial care as provided under Section 4 of the
18 Abused and Neglected Child Reporting Act.

19 R. "Putative father" means a man who may be a child's
20 father, but who (1) is not married to the child's mother on
21 or before the date that the child was or is to be born and
22 (2) has not established paternity of the child in a court
23 proceeding before the filing of a petition for the adoption
24 of the child. The term includes a male who is less than 18
25 years of age. "Putative father" does not mean a man who is
26 the child's father as a result of criminal sexual abuse or
27 assault as defined under Article 12 of the Criminal Code of
28 1961.

29 S. "Standby adoption" means an adoption in which a
30 terminally ill parent consents to custody and termination of
31 parental rights to become effective upon the occurrence of a
32 future event, which is either the death of the terminally ill
33 parent or the request of the parent for the entry of a final
34 judgment of adoption.

1 T. "Terminally ill parent" means a person who has a
2 medical prognosis by a physician licensed to practice
3 medicine in all of its branches that the person has an
4 incurable and irreversible condition which will lead to
5 death.

6 (Source: P.A. 90-13, eff. 6-13-97; 90-15, eff. 6-13-97;
7 90-27, eff. 1-1-98 except subdiv. (D)(m) eff. 6-25-97; 90-28,
8 eff. 1-1-98 except subdiv. (D)(m) eff. 6-25-97; 90-443, eff.
9 8-16-97; 90-608, eff. 6-30-98; 90-655, eff. 7-30-98; 91-357,
10 eff. 7-29-99; 91-373, eff. 1-1-00; 91-572, eff. 1-1-00;
11 revised 8-31-99.)

12 (750 ILCS 50/18.1) (from Ch. 40, par. 1522.1)

13 Sec. 18.1. Disclosure of identifying information.

14 (a) The Department of Public Health shall establish and
15 maintain a Registry for the purpose of providing identifying
16 information to mutually consenting adult adopted or
17 surrendered persons, birth parents, adoptive parents, legal
18 guardians and birth siblings. Identifying information for
19 the purpose of this Act shall mean any one or more of the
20 following:

21 (1) The name and last known address of the
22 consenting person or persons.

23 (2) A copy of the Illinois Adoption Registry
24 Application of the consenting person or persons.

25 (3) A copy of the original certificate of live
26 birth of the adopted person.

27 Written authorization from all parties identified must be
28 received prior to disclosure of any identifying information.

29 (b) At any time after a child is surrendered for
30 adoption, or at any time during the adoption proceedings or
31 at any time thereafter, either birth parent or both of them
32 may file with the Registry a Birth Parent Registration
33 Identification Form and an Information Exchange Authorization

1 or a Denial of Information Exchange.

2 (b-5) A birth sibling 21 years of age or over who was
3 not surrendered for adoption and who has submitted proof of
4 death for a deceased birth parent and such birth parent did
5 not file a Denial of Information Exchange with the Registry
6 prior to his or her death may file a Registration
7 Identification Form and an Information Exchange Authorization
8 or a Denial of Information Exchange.

9 (c) Any adopted person over the age of 21, or any
10 surrendered person over the age of 21^u}, or any adoptive
11 parent or legal guardian of an adopted or surrendered person
12 under the age of 21 may file with the Registry a Registration
13 Identification Form and an Information Exchange Authorization
14 or a Denial of Information Exchange.

15 (d) The Department of Public Health shall supply to the
16 adopted or surrendered person or his or her adoptive parents
17 or legal guardians and to the birth parents identifying
18 information only if both the adopted or surrendered person or
19 his or her adoptive parents or legal guardians and the birth
20 parents have filed with the Registry an Information Exchange
21 Authorization and the information at the Registry indicates
22 that the consenting adopted or surrendered person or the
23 child of the consenting adoptive parents or legal guardians
24 is the child of the consenting birth parents.

25 The Department of Public Health shall supply to adopted
26 or surrendered persons who are birth siblings identifying
27 information only if both siblings have filed with the
28 Registry an Information Exchange Authorization and the
29 information at the Registry indicates that the consenting
30 siblings have one or both birth parents in common.
31 Identifying information shall be supplied to consenting birth
32 siblings who were adopted or surrendered if any such sibling
33 is 21 years of age or over. Identifying information shall be
34 supplied to consenting birth siblings who were not adopted or

1 surrendered if any such sibling is 21 years of age or over
2 and has proof of death of the common birth parent and such
3 birth parent did not file a Denial of Information Exchange
4 with the Registry prior to his or her death.

5 (e) A birth parent, birth sibling, adopted or
6 surrendered person or their adoptive parents or legal
7 guardians may notify the Registry of his or her desire not to
8 have his or her identity revealed or may revoke any
9 previously filed Information Exchange Authorization by
10 completing and filing with the Registry a Registry
11 Identification Form along with a Denial of Information
12 Exchange. The Illinois Adoption Registry Application does not
13 need to be completed in order to file a Denial of Information
14 Exchange. Any adopted or surrendered person or his or her
15 adoptive parents or legal guardians, birth sibling or birth
16 parent may revoke a Denial of Information Exchange by filing
17 an Information Exchange Authorization. The Department of
18 Public Health shall act in accordance with the most recently
19 filed Authorization.

20 (f) Identifying information ascertained from the
21 Registry shall be confidential and may be disclosed only (1)
22 upon a Court Order, which order shall name the person or
23 persons entitled to the information, or (2) to the adopted or
24 surrendered person, adoptive parents or legal guardians,
25 birth sibling, or birth parent if both the adopted or
26 surrendered person or his or her adoptive parents or legal
27 guardians, and his or her birth parent, or both, birth
28 siblings, have filed with the Registry an Information
29 Exchange Authorization, or (3) as authorized under subsection
30 (h) of Section 18.3 of this Act. A copy of the certificate
31 of live birth shall only be released to an adopted person who
32 was born in Illinois and who is the subject of an Information
33 Exchange Authorization filed by one of his or her birth
34 parents or non-surrendered birth siblings. Any person who

1 willfully provides unauthorized disclosure of any information
2 filed with the Registry or who knowingly or intentionally
3 files false information with the Registry shall be guilty of
4 a Class A misdemeanor and shall be liable for damages.

5 (g) If information is disclosed pursuant to this Act,
6 the Department shall redact it to remove any identifying
7 information about any party who has not consented to the
8 disclosure of such identifying information.

9 (Source: P.A. 91-417, eff. 1-1-00; revised 2-23-00.)

10 Section 99.2. The Organ Donation Request Act is amended
11 by changing Section 2 as follows:

12 (755 ILCS 60/2) (from Ch. 110 1/2, par. 752)

13 Sec. 2. Notification; consent; definitions.

14 (a) When, based upon generally accepted medical
15 standards, an inpatient in a general acute care hospital with
16 more than 100 beds is a suitable candidate for organ or
17 tissue donation and such patient has not made an anatomical
18 gift of all or any part of his or her body pursuant to
19 Section 5 of the Uniform Anatomical Gift Act, the hospital
20 administrator, or his or her designated representative,
21 shall, if the candidate is suitable for the donation of
22 organs at the time of or after notification of death, notify
23 the hospital's federally designated organ procurement agency.
24 The organ procurement agency shall request a consent for
25 organ donation according to the priority and conditions
26 established in subsection (b). In the case of a candidate
27 suitable for donation of tissue only, the hospital
28 administrator or his or her designated representative or
29 tissue bank shall, at the time of or shortly after
30 notification of death, request a consent for tissue donation
31 according to the priority need conditions established in
32 subsection (b). Alternative procedures for requesting

1 consent may be implemented by mutual agreement between a
2 hospital and a federally designated organ procurement agency
3 or tissue bank.

4 (b) In making a request for organ or tissue donation,
5 the hospital administrator or his or her designated
6 representative or the hospital's federally designated organ
7 procurement agency or tissue bank shall request any of the
8 following persons, in the order of priority stated in items
9 (1) through (7) below, when persons in prior classes are not
10 available and in the absence of (i) actual notice of contrary
11 intentions by the decedent, (ii) actual notice of opposition
12 by any member within the same priority class, and (iii)
13 reason to believe that an anatomical gift is contrary to the
14 decedent's religious beliefs, to consent to the gift of all
15 or any part of the decedent's body for any purpose specified
16 in Section 4 of the Uniform Anatomical Gift Act:

17 (1) the decedent's agent under the Powers of
18 Attorney for Health Care Law;

19 (2) the decedent's surrogate decision maker under
20 the Health Care Surrogate Act;

21 (3) the decedent's spouse;

22 (4) the decedent's adult sons or daughters;

23 (5) either of the decedent's parents;

24 (6) any of the decedent's adult brothers or
25 sisters;

26 (7) the guardian of the decedent at the time of his
27 or her death.

28 (c) If (1) the hospital administrator, or his or her
29 designated representative, the organ procurement agency, or
30 the tissue bank has actual notice of opposition to the gift
31 by the decedent or any person in the highest priority class
32 in which an available person can be found, or (2) there is
33 reason to believe that an anatomical gift is contrary to the
34 decedent's religious beliefs, or (3) the Director of Public

1 Health has adopted a rule signifying his determination that
2 the need for organs and tissues for donation has been
3 adequately met, then such gift of all or any part of the
4 decedent's body shall not be requested. If a donation is
5 requested, consent or refusal may only be obtained from the
6 person or persons in the highest priority class available.
7 If the hospital administrator, or his or her designated
8 representative, the designated organ procurement agency, or
9 the tissue bank is unable to obtain consent from any of the
10 persons named in items (1) through (7) of subsection (b) (a)
11 of this Section, the decedent's body shall not be used for an
12 anatomical gift unless a valid anatomical gift document was
13 executed under the Uniform Anatomical Gift Act or the Corneal
14 Transplant Act.

15 (d) For the purposes of this Act, a person will not be
16 considered "available" for the giving of consent or refusal
17 if:

18 (1) the existence of the person is unknown to the
19 hospital administrator or designee, organ procurement
20 agency, or tissue bank and is not readily ascertainable
21 through the examination of the decedent's hospital
22 records and the questioning of any persons who are
23 available for giving consent;

24 (2) the administrator or designee, organ
25 procurement agency, or tissue bank has unsuccessfully
26 attempted to contact the person by telephone or in any
27 other reasonable manner;

28 (3) the person is unable or unwilling to respond in
29 a manner which indicates the person's refusal or consent.

30 (e) For the purposes of this Act, "federally designated
31 organ procurement agency" means the organ procurement agency
32 designated by the Secretary of the U.S. Department of Health
33 and Human Services for the service area in which a hospital
34 is located; except that in the case of a hospital located in

1 a county adjacent to Wisconsin which currently contracts with
2 an organ procurement agency located in Wisconsin that is not
3 the organ procurement agency designated by the U.S. Secretary
4 of Health and Human Services for the service area in which
5 the hospital is located, if the hospital applies for a waiver
6 pursuant to 42 USC 1320b-8(a), it may designate an organ
7 procurement agency located in Wisconsin to be thereafter
8 deemed its federally designated organ procurement agency for
9 the purposes of this Act.

10 (f) For the purposes of this Act, "tissue bank" means
11 any facility or program operating in Illinois that is
12 certified by the American Association of Tissue Banks or the
13 Eye Bank Association of America and is involved in procuring,
14 furnishing, donating, or distributing corneas, bones, or
15 other human tissue for the purpose of injecting, transfusing,
16 or transplanting any of them into the human body. "Tissue
17 bank" does not include a licensed blood bank.

18 For the purposes of this Act, "tissue" does not include
19 organs.

20 (g) Nothing in Public Act 89-393 ~~this-amendatory-Act-of~~
21 ~~1995~~ alters any agreements or affiliations between tissue
22 banks and hospitals.

23 (Source: P.A. 89-393, eff. 8-20-95; revised 2-23-00.)

24 Section 99.4. The Agricultural Foreign Investment
25 Disclosure Act is amended by changing Section 3 as follows:

26 (765 ILCS 50/3) (from Ch. 5, par. 603)

27 Sec. 3. Foreign persons.

28 (a) Any foreign person who acquires or transfers any
29 interest, other than a leasehold interest of 10 years or less
30 or a security interest, in agricultural land in this State
31 shall submit a report to the Director of Agriculture not
32 later than 90 days after the date of such acquisition or

1 transfer. Such report shall be submitted in such form and in
2 accordance with such procedures as the Director may require
3 and shall contain:

4 (1) the legal name and the address of such foreign
5 person;

6 (2) in any case in which such foreign person is an
7 individual, the citizenship of such foreign person;

8 (3) in any case in which such foreign person is not
9 an individual or a government, the nature of the legal
10 entity holding the interest, the country in which such
11 foreign person is created or organized, and the principal
12 place of business of such foreign person;

13 (4) the type of interest in the agricultural land
14 of this State which such foreign person acquired or
15 transferred;

16 (5) the legal description and acreage of such
17 agricultural land;

18 (6) the purchase price paid for, or any other
19 consideration given for, such interest; the date the
20 interest in the agricultural land was acquired; the
21 amount of the purchase price or the value of the
22 consideration for the agricultural land yet to be paid;
23 the current estimated value of the agricultural land that
24 is being reported;

25 (7) in any case in which such foreign person
26 transfers such interest, the legal name and the address
27 of the person to whom such interest is transferred and:

28 (A) in any case in which such transferee is an
29 individual, the citizenship of such transferee; and

30 (B) in any case in which such transferee is
31 not an individual or a government, the nature of the
32 legal entity holding the interest, the country in
33 which such transferee is created or organized, and
34 the principal place of business of such transferee;

1 (8) the agricultural purposes for which such
2 foreign person intends, on the date on which such report
3 is submitted to the Director, to use such agricultural
4 land; and

5 (9) such other information as the Director may
6 require by regulation.

7 (b) Any foreign person who holds any interest, other
8 than a leasehold interest of 10 years or less or a security
9 interest, in agricultural land of this State on the day
10 before the effective date of this amendatory Act of 1985
11 shall submit a report to the Director not later than 180 days
12 after such effective date. Such report shall be submitted in
13 such form and in accordance with such procedures as the
14 Director may require and shall contain:

15 (1) the legal name and the address of such foreign
16 person;

17 (2) in any case in which such foreign person is an
18 individual, the citizenship of such foreign person;

19 (3) in any case in which such foreign person is not
20 an individual or a government, the nature of the legal
21 entity holding the interest, the country in which such
22 foreign person is created or organized, and the principal
23 place of business of such foreign person;

24 (4) the type of interest in agricultural land of
25 this State which is held by such foreign person;

26 (5) the legal description and acreage of such
27 agricultural land;

28 (6) the purchase price paid for, or any other
29 consideration given for, such interest; the date the
30 interest in the agricultural land was acquired; the
31 amount of the purchase price or the value of the
32 consideration for the agricultural land yet to be paid;
33 the current estimated value of the agricultural land that
34 is being reported;

1 (7) the agricultural purposes for which such
2 foreign person:

3 (A) is using such agricultural land on the
4 date on which such report is submitted to the
5 Director; and

6 (B) intends, as of such date, to use such
7 agricultural land; and

8 (8) such other information as the Director may
9 require by regulation.

10 (c) Any person who holds or acquires (on or after the
11 effective date of this amendatory Act of 1985) any interest,
12 other than a leasehold interest of 10 years or less or a
13 security interest, in agricultural land at a time when such
14 person is not a foreign person and who subsequently becomes a
15 foreign person shall submit a report to the Director not
16 later than 90 days after the date on which such person
17 becomes a foreign person. Such report shall be submitted in
18 such form and in accordance with such procedures as the
19 Director may require and shall contain the information
20 required by subsection (b) of this Section. This subsection
21 shall not apply with respect to any person who is required to
22 submit a report with respect to such land under subsection
23 (b) of this Section.

24 (d) Any foreign person who holds or acquires (on or
25 after the effective date of this amendatory Act of 1985) any
26 interest, other than a leasehold interest of 10 years or less
27 or a security interest, in land at a time when such land is
28 not agricultural land and such land subsequently becomes
29 agricultural land shall submit a report to the Director not
30 later than 90 days after the date on which such land becomes
31 agricultural land. Such report shall be submitted in such
32 form and in accordance with such procedures as the Director
33 may require and shall contain the information required by
34 subsection (b) of this Section. This subsection shall not

1 apply with respect to any person who is required to submit a
2 report with respect to such land under subsection (b) of this
3 Section.

4 (e) With respect to any foreign person, other than an
5 individual or a government, who is required by subsection
6 (a), (b), (c), or (d) of this Section to submit a report, the
7 Director may, in addition, require such foreign person to
8 submit to the Director a report containing:

9 (A) the legal name and the address of each person
10 who holds any interest in such foreign person;

11 (B) in any case in which the holder of such
12 interest is an individual, the citizenship of such
13 holder; and

14 (C) in any case in which the holder of such
15 interest is not an individual or a government, the nature
16 of the legal entity holding the interest, the country in
17 which such holder is created or organized, and the
18 principal place of business of such holder.

19 (f) With respect to any person, other than an individual
20 or a government, whose legal name is contained in any report
21 submitted under subsection (e) of this Section, the Director
22 may require such person to submit to the Director a report
23 containing:

24 (A) the legal name and the address of any person
25 who holds any interest in the person submitting the
26 report under this subsection;

27 (B) in any case in which the holder of such
28 interest is an individual, the citizenship of such
29 holder; and

30 (C) in any case in which the holder of such
31 interest is not an individual or a government, the nature
32 of the legal entity holding the interest, the country in
33 which such holder is created or organized, and the
34 principal ~~principle~~ place of business of such holder.

1 (Source: P.A. 84-295; revised 9-22-00.)

2 Section 100. The Uniform Disposition of Unclaimed
3 Property Act is amended by changing Section 2 as follows:

4 (765 ILCS 1025/2) (from Ch. 141, par. 102)

5 Sec. 2. Property held by financial organizations;
6 presumption of abandonment. The following property held or
7 owing by a banking or financial organization is presumed
8 abandoned:

9 (a) Any demand, savings, or matured time deposit with a
10 banking organization, together with any interest or dividend
11 thereon, excluding any charges that may lawfully be withheld,
12 unless the owner has, within 5 years:

13 (1) Increased or decreased the amount of the
14 deposit, or presented the passbook or other similar
15 evidence of the deposit for the crediting of interest; or

16 (2) Corresponded in writing with the banking
17 organization concerning the deposit; or

18 (3) Otherwise indicated an interest in the deposit
19 as evidenced by a memorandum on file with the banking
20 organization.

21 (b) Any funds paid toward the purchase of withdrawable
22 shares or other interest in a financial organization, or any
23 deposit made, and any interest or dividends thereon,
24 excluding any charges that may be lawfully withheld, unless
25 the owner has within 5 years:

26 (1) Increased or decreased the amount of the funds,
27 or deposit, or presented an appropriate record for the
28 crediting of interest or dividends; or

29 (2) Corresponded in writing with the financial
30 organization concerning the funds or deposit; or

31 (3) Otherwise indicated an interest in the funds or
32 deposit as evidenced by a memorandum on file with the

1 financial organization.

2 (c) Any sum payable on checks or on written instruments
3 on which a banking or financial organization or business
4 association is directly liable including, by way of
5 illustration but not of limitation, certificates of deposit,
6 drafts, money orders and travelers checks, that with the
7 exception of travelers checks has been outstanding for more
8 than 5 years from the date it was payable, or from the date
9 of its issuance if payable on demand, or, in the case of
10 travelers checks, that has been outstanding for more than 15
11 years from the date of its issuance, excluding any charges
12 that may be lawfully withheld relating to money orders issued
13 by currency exchanges, unless the owner has within 5 years or
14 within 15 years in the case of travelers checks corresponded
15 in writing with the banking or financial organization or
16 business association concerning it, or otherwise indicated an
17 interest as evidenced by a memorandum on file with the
18 banking or financial organization or business association.

19 (d) Any funds or other personal property, tangible or
20 intangible, removed from a safe deposit box or any other
21 safekeeping repository or agency or collateral deposit box on
22 which the lease or rental period has expired due to
23 nonpayment of rental charges or other reason, or any surplus
24 amounts arising from the sale thereof pursuant to law, that
25 have been unclaimed by the owner for more than 5 years from
26 the date on which the lease or rental period expired,
27 subject to lien of the holder for reimbursement of costs
28 incurred in the opening of a safe deposit box as determined
29 by the holder's regular schedule of charges.

30 (e) Notwithstanding any other provision of this Section,
31 no deposit except passbook, checking, NOW accounts, super NOW
32 accounts, money market accounts, or such similar accounts as
33 established by Rule of the State Treasurer, held by a banking
34 or financial organization shall be presumed abandoned if with

1 respect to such a deposit which specifies a definite maturity
2 date, such organization was authorized in writing to extend
3 or rollover the account for an additional like period and
4 such organization does so extend. Such deposits are not
5 presumed abandoned less than 5 years from that final maturity
6 date. Property of any kind held in an individual retirement
7 account (IRA) is not presumed abandoned earlier than 5 years
8 after the owner attains the age at which distributions from
9 the account become mandatory under law.

10 (f) Notwithstanding any other provision of this Section,
11 money of a minor deposited pursuant to Section 24-21 of the
12 Probate Act of 1975 shall not be presumed abandoned earlier
13 than 5 years after the minor attains legal age. Such money
14 shall be deposited in an account which shall indicate the
15 birth date of the minor.

16 (Source: P.A. 90-167, eff. 7-23-97; 90-796, eff. 12-15-98;
17 91-16, eff. 7-1-99; 91-316, eff. 7-29-99; revised 10-15-99.)

18 Section 101. The Business Corporation Act of 1983 is
19 amended by changing Sections 13.45 and 14.05 as follows:

20 (805 ILCS 5/13.45) (from Ch. 32, par. 13.45)

21 Sec. 13.45. Withdrawal of foreign corporation. A foreign
22 corporation authorized to transact business in this State may
23 withdraw from this State upon procuring from the Secretary of
24 State a certificate of withdrawal. In order to procure a
25 such certificate of withdrawal, the such foreign corporation
26 shall either:

27 (a) execute and file in duplicate, in accordance
28 with Section 1.10 of this Act, an application for
29 withdrawal and a final report, which shall set forth:

30 (1) that no proportion of its issued shares
31 is, on the date of such application, represented by
32 business transacted or property located in this

1 State;i:-

2 (2) that it surrenders its authority to
3 transact business in this State;i:-

4 (3) that it revokes the authority of its
5 registered agent in this State to accept service of
6 process and consents that service of process in any
7 suit, action, or proceeding based upon any cause of
8 action arising in this State during the time the
9 corporation was licensed to transact business in
10 this State may thereafter be made on the such
11 corporation by service thereof on the Secretary of
12 State;i:-

13 (4) a post-office address to which may be
14 mailed a copy of any process against the corporation
15 that may be served on the Secretary of State;i:-

16 (5) the name of the corporation and the state
17 or country under the laws of which it is organized;i:-

18 (6) a statement of the aggregate number of
19 issued shares of the corporation itemized by
20 classes, and series, if any, within a class, as of
21 the date of the such final report;i:-

22 (7) a statement of the amount of paid-in
23 capital of the corporation as of the date of the
24 such final report;i and:-

25 (8) such additional information as may be
26 necessary or appropriate in order to enable the
27 Secretary of State to determine and assess any
28 unpaid fees or franchise taxes payable by the such
29 foreign corporation as prescribed in this Act
30 prescribed; or

31 (b) if it has been dissolved, file a copy of the
32 articles of dissolution duly authenticated by the proper
33 officer of the state or country under the laws of which
34 the such corporation was organized.

1 (e) The application for withdrawal and the final report
2 shall be made on forms prescribed and furnished by the
3 Secretary of State.

4 (d) When the corporation has complied with the provisions
5 of subdivision subsection (a) or (b) of this Section, the
6 Secretary of State shall issue a certificate of withdrawal.
7 If the provisions of subdivision subsection (b) of this
8 Section have been followed, the Secretary of State shall file
9 the copy of the articles of dissolution in his or her office
10 with one copy of the certificate of withdrawal affixed
11 thereto and shall, mail the original certificate to the
12 corporation or its representative.

13 Upon the issuance of a such certificate of withdrawal,
14 the authority of the corporation to transact business in this
15 State shall cease.

16 (Source: P.A. 91-464, eff. 1-1-00; revised 3-21-00.)

17 (805 ILCS 5/14.05) (from Ch. 32, par. 14.05)

18 Sec. 14.05. Annual report of domestic or foreign
19 corporation. Each domestic corporation organized under any
20 general law or special act of this State authorizing the
21 corporation to issue shares, other than homestead
22 associations, building and loan associations, banks and
23 insurance companies (which includes a syndicate or limited
24 syndicate regulated under Article V 1/2 of the Illinois
25 Insurance Code or member of a group of underwriters regulated
26 under Article V of that Code), and each foreign corporation
27 (except members of a group of underwriters regulated under
28 Article V of the Illinois Insurance Code) authorized to
29 transact business in this State, shall file, within the time
30 prescribed by this Act, an annual report setting forth:

31 (a) The name of the corporation.

32 (b) The address, including street and number, or
33 rural route number, of its registered office in this

1 State, and the name of its registered agent at that
2 address.

3 (c) The address, including street and number, or
4 rural route number, of its principal office.

5 (d) The names and respective residential addresses,
6 including street and number, or rural route number, of
7 its directors and officers.

8 (e) A statement of the aggregate number of shares
9 which the corporation has authority to issue, itemized by
10 classes and series, if any, within a class.

11 (f) A statement of the aggregate number of issued
12 shares, itemized by classes, and series, if any, within a
13 class.

14 (g) A statement, expressed in dollars, of the
15 amount of paid-in capital of the corporation as defined
16 in this Act.

17 (h) Either a statement that (1) all the property of
18 the corporation is located in this State and all of its
19 business is transacted at or from places of business in
20 this State, or the corporation elects to pay the annual
21 franchise tax on the basis of its entire paid-in capital,
22 or (2) a statement, expressed in dollars, of the value of
23 all the property owned by the corporation, wherever
24 located, and the value of the property located within
25 this State, and a statement, expressed in dollars, of the
26 gross amount of business transacted by the corporation
27 and the gross amount thereof transacted by the
28 corporation at or from places of business in this State
29 as of the close of its fiscal year on or immediately
30 preceding the last day of the third month prior to the
31 anniversary month or in the case of a corporation which
32 has established an extended filing month, as of the close
33 of its fiscal year on or immediately preceding the last
34 day of the third month prior to the extended filing

1 month; however, in the case of a domestic corporation
2 that has not completed its first fiscal year, the
3 statement with respect to property owned shall be as of
4 the last day of the third month preceding the anniversary
5 month and the statement with respect to business
6 transacted shall be furnished for the period between the
7 date of incorporation and the last day of the third month
8 preceding the anniversary month. In the case of a
9 foreign corporation that has not been authorized to
10 transact business in this State for a period of 12 months
11 and has not commenced transacting business prior to
12 obtaining a certificate of authority, the statement with
13 respect to property owned shall be as of the last day of
14 the third month preceding the anniversary month and the
15 statement with respect to business transacted shall be
16 furnished for the period between the date of its
17 authorization to transact business in this State and the
18 last day of the third month preceding the anniversary
19 month. If the data referenced in item (2) of this
20 subsection is not completed, the franchise tax provided
21 for in this Act shall be computed on the basis of the
22 entire paid-in capital.

23 (i) A statement, including the basis therefor, of
24 status as a "minority owned business" or as a "female
25 owned business" as those terms are defined in the
26 Minority--and--Female Business Enterprise for Minorities,
27 Females, and Persons with Disabilities Act.

28 (j) Additional information as may be necessary or
29 appropriate in order to enable the Secretary of State to
30 administer this Act and to verify the proper amount of
31 fees and franchise taxes payable by the corporation.

32 The annual report shall be made on forms prescribed and
33 furnished by the Secretary of State, and the information
34 therein required by paragraphs (a) through (d), both

1 inclusive, of this Section, shall be given as of the date of
2 the execution of the annual report and the information
3 therein required by paragraphs (e), (f) and (g) of this
4 Section shall be given as of the last day of the third month
5 preceding the anniversary month, except that the information
6 required by paragraphs (e), (f) and (g) shall, in the case of
7 a corporation which has established an extended filing month,
8 be given in its final transition annual report and each
9 subsequent annual report as of the close of its fiscal year
10 immediately preceding its extended filing month. It shall be
11 executed by the corporation by its president, a
12 vice-president, secretary, assistant secretary, treasurer or
13 other officer duly authorized by the board of directors of
14 the corporation to execute those reports, and verified by him
15 or her, or, if the corporation is in the hands of a receiver
16 or trustee, it shall be executed on behalf of the corporation
17 and verified by the receiver or trustee.

18 (Source: P.A. 91-593, eff. 8-14-99; revised 8-23-99.)

19 Section 101.5. The Uniform Commercial Code is amended by
20 changing Section 9-315.02 as follows:

21 (810 ILCS 5/9-315.02)

22 (This Section may contain text from a Public Act with a
23 delayed effective date)

24 Sec. 9-315.02. ~~315-02~~. Disposal of collateral by debtor
25 to persons other than those previously disclosed to secured
26 party - penalties for violation - defense.

27 (1) Where, pursuant to Section 9-205.1, a secured party
28 has required that before the debtor sells or otherwise
29 disposes of collateral in the debtor's possession he disclose
30 to the secured party the persons to whom he desires to sell
31 or otherwise dispose of such collateral, it is unlawful for
32 the debtor to sell or otherwise dispose of the collateral to

1 a person other than a person so disclosed to the secured
2 party.

3 (2) An individual convicted of a violation of this
4 Section shall be guilty of a Class A misdemeanor.

5 (3) A corporation convicted of a violation of this
6 Section shall be guilty of a business offense and shall be
7 fined not less than \$2,000 nor more than \$10,000.

8 (4) In the event the debtor under the terms of a
9 security agreement is a corporation or a partnership, any
10 officer, director, manager, or managerial agent of the debtor
11 who violates this Section or causes the debtor to violate
12 this Section shall be guilty of a Class A misdemeanor.

13 (5) It is an affirmative defense to a prosecution for
14 the violation of this Section that the debtor has paid to the
15 secured party the proceeds from the sale or other disposition
16 of the collateral within 10 days after such sale or
17 disposition.

18 (Source: P.A. 91-893, eff. 7-1-01; revised 9-22-00.)

19 Section 102. The Illinois Business Brokers Act of 1995
20 is amended by changing Section 10-115 as follows:

21 (815 ILCS 307/10-115)

22 Sec. 10-115. Business broker lien.

23 (a) Any business broker shall have a lien upon the
24 tangible assets of a business located in this State that is
25 the subject of a business broker's written contract in the
26 amount due to the broker under the written contract.

27 (b) The lien shall be available to the business broker
28 named in the instrument signed by the owner of an interest in
29 the assets. The lien arising under this Act shall be in
30 addition to any other rights that a business broker may have.

31 (c) A lien under this Act does not attach unless and
32 until:

1 (1) the business broker is otherwise entitled to a
2 fee or commission under a written contract signed by the
3 seller or its duly authorized agent; and

4 (2) before the actual conveyance or transfer of the
5 business assets or property with respect to which the
6 business broker is claiming a lien, the business broker
7 files a notice of lien (i) as to real property, with the
8 recorder of the county in which the real property is
9 located or (ii) as to tangible personal property, in the
10 Office of the Secretary of State.

11 (d) When payment to a business broker is due in
12 installments, a portion of which is due only after the
13 conveyance or transfer of the tangible assets, any claim for
14 lien for those payments due after the transfer or conveyance
15 may be filed at any time subsequent to the transfer or
16 conveyance of the tangible assets and prior to the date on
17 which the payment is due but shall only be effective as a
18 lien against the tangible assets to the extent moneys are
19 still owed to the transferor by the transferee. In all other
20 respects, the lien shall attach as described in this
21 subsection.

22 (e) If a business broker has a written agreement with a
23 prospective purchaser, then the lien shall attach upon the
24 prospective purchaser purchasing or otherwise accepting a
25 conveyance or transfer of the real property or tangible
26 personal property of the business and the filing of a notice
27 of lien (i) in the recorder's office of the county in which
28 the real property is located, as to real property, and (ii)
29 in the Office of the Secretary of State, as to tangible
30 personal property, by the business broker within 90 days
31 after the transfer to the purchaser. The lien shall attach to
32 the interest purchased by the purchaser as of the date of the
33 filing of the notice of lien and does not relate back to the
34 date of the written contract.

1 (f) The business broker shall, within 10 days after
2 filing its notice of lien, mail a copy of the notice of lien
3 to the owner of the property by depositing it in the United
4 States mail, registered or certified mail, with return
5 receipt requested, or personally serve a copy of the notice
6 on the owner of record or his agent. Mailing of the copy of
7 the notice of claim for lien is effective if mailed to the
8 seller at the address of the business that is the subject of
9 the notice of lien or to another address that the seller or
10 purchaser has provided in writing to the business broker.
11 The broker's lien shall be unenforceable if mailing of the
12 copy of the notice of lien does not occur at the time and in
13 the manner required by this Act.

14 (g) A business broker may bring suit to enforce a lien
15 in the circuit court (i) in the county where the real
16 property is located, as to real property, or (ii) as to
17 tangible personal property, either in the county where the
18 personal property is located or where the principal office of
19 the owner of the personal property, or the owner's
20 residence, is located, by filing a complaint and sworn
21 affidavit that the lien has been filed.

22 (h) The person claiming a lien shall, within 2 years
23 after filing the lien, commence proceedings by filing a
24 complaint. Failure to commence proceedings within 2 years
25 after filing the lien shall extinguish the lien. No
26 subsequent notice of lien may be given for the same claim nor
27 may that claim be asserted in any proceedings under this Act.

28 (i) A complaint under this Section shall have attached
29 to it a copy of the written contract on which the lien is
30 founded and shall contain a description of the services
31 performed, the amount due and unpaid, a description of the
32 tangible assets of the business that are subject to the lien,
33 and other facts necessary for a full understanding of the
34 rights of the parties. The plaintiff shall make all

1 interested parties, of whose interest the plaintiff is
2 notified or has actual or constructive knowledge, defendants
3 to the action and shall issue summons and provide service as
4 in other civil actions. When any defendant resides or has
5 gone out of the State, or on inquiry cannot be found, or is
6 concealed within this State so that process cannot be served
7 on that defendant, the plaintiff shall cause a notice to be
8 given to that defendant, or cause a copy of the complaint to
9 be served upon that defendant, in the manner and upon the
10 same conditions as in other civil actions. Failure of the
11 plaintiff to provide proper summons or notice shall be
12 grounds for judgment against the plaintiff with prejudice.
13 Every lien claimed under this Act shall be foreclosed as
14 provided in the Illinois Mortgage Foreclosure Law, if the
15 lien is on real property, or as provided in the Uniform
16 Commercial Code, if the lien is on personal property.

17 (j) The lien notice shall state the name and address of
18 the claimant, the name of the purchaser or seller whose
19 property or assets are subject to the lien, a description of
20 the real or personal property that is subject to the lien,
21 the amount for which the lien is claimed, and the
22 registration number of the business broker. The notice of
23 lien shall recite that the information contained in the
24 notice is true and accurate to the knowledge of the signer.
25 The notice of lien shall be signed by the business broker or
26 by a person authorized to sign on behalf of the business
27 broker and shall be verified.

28 (k) Whenever a claim for lien has been filed with the
29 Office of the Secretary of State or the county recorder's
30 office and a condition occurs that would preclude the
31 business broker from receiving compensation under the terms
32 of the business broker's written agreement, the business
33 broker shall provide to the purchaser of the business, if the
34 lien is filed against the purchaser's assets of the business

1 that are subject to this Act, or the seller of the business,
2 if the lien is filed against the seller's assets of the
3 business that are subject to this Act, within 10 days
4 following demand by that party, a written release or
5 satisfaction of the lien.

6 (l) Upon written demand of the owner, lienee, or other
7 authorized agent, served on the person claiming the lien
8 requiring suit to be commenced to enforce the lien or answer
9 to be filed in a pending suit, a suit shall be commenced or
10 answer filed within 30 days thereafter, or the lien shall be
11 extinguished. Service may be by registered or certified
12 mail, return receipt requested, or by personal service.

13 (m) If a claim for lien has been filed with the Office
14 of the Secretary of State or the county recorder's office and
15 is paid, the business broker shall acknowledge satisfaction
16 or release of the lien, in writing, within 5 days after
17 payment.

18 (n) The cost of proceedings brought under this Act,
19 including reasonable attorneys' fees, costs, and prejudgment
20 interest due to the prevailing party, shall be borne by the
21 nonprevailing party or parties. When more than one party is
22 responsible for costs, fees, and prejudgment interest, the
23 costs, fees, and prejudgment interest shall be equitably
24 apportioned by the court among those responsible parties.

25 (o) Prior recorded liens and mortgages shall have
26 priority over a broker's lien. A prior recorded lien shall
27 include, without limitation, (i) a mechanic's lien claim,
28 (ii) prior recorded liens securing revolving credit or future
29 advances under construction loans as described in Section
30 15-1302 of the Code of Civil Procedure, and (iii) prior
31 recorded liens perfected under the Uniform Commercial Code.

32 (p) No lien under this Section 10-115 shall attach to
33 any real property asset of a business unless and until a
34 notice of lien is filed with the recorder of the county in

1 which the real property asset is located. A lien recorded
 2 under this subsection (p) shall otherwise be subject to the
 3 same notice, enforcement, and limitations as any other lien
 4 under this Section. A copy of the notice of lien recorded
 5 under this subsection (p) shall be filed with the Secretary
 6 of State.

7 (Source: P.A. 90-70, eff. 7-8-97; 91-194, eff. 7-20-99;
 8 91-534, eff. 1-1-00; revised 10-13-99.)

9 Section 103. The Illinois Pre-Need Cemetery Sales Act is
 10 amended by changing Section 4 as follows:

11 (815 ILCS 390/4) (from Ch. 21, par. 204)

12 Sec. 4. Definitions. As used in this Act, the following
 13 terms shall have the meaning specified:

14 (A) A- "Pre-need sales contract" or "Pre-need sales"
 15 means any agreement or contract or series or combination of
 16 agreements or contracts which have for a purpose the sale of
 17 cemetery merchandise, cemetery services or undeveloped
 18 interment, entombment or inurnment spaces where the terms of
 19 such sale require payment or payments to be made at a
 20 currently determinable time and where the merchandise,
 21 services or completed spaces are to be provided more than 120
 22 days following the initial payment on the account.

23 (B) B- "Delivery" occurs when:

24 (1) physical possession of the merchandise is
 25 transferred or the easement for burial rights in a
 26 completed space is executed, delivered and transferred to
 27 the buyer; or

28 (2) title to the merchandise has been transferred
 29 to the buyer and the merchandise has been paid for and is
 30 in the possession of the seller who has placed it, until
 31 needed, at the site of its ultimate use; or

32 (3) ~~(A)~~ the merchandise has been permanently

1 identified with the name of the buyer or the beneficiary
2 and delivered to a licensed and bonded warehouse and both
3 title to the merchandise and a warehouse receipt have
4 been delivered to the purchaser or beneficiary; except
5 that in the case of outer burial containers, the use of a
6 licensed and bonded warehouse as set forth in this
7 paragraph shall not constitute delivery for purposes of
8 this Act. Nothing herein shall prevent a seller from
9 perfecting a security interest in accordance with the
10 Uniform Commercial Code on any merchandise covered under
11 this Act.

12 (B) All warehouse facilities to which sellers
13 deliver merchandise pursuant to this Act shall:

14 (i) be either located in the State of Illinois
15 or qualify as a foreign warehouse facility as
16 defined herein;

17 (ii) submit to the Comptroller not less than
18 annually, by March 1 of each year, a report of all
19 cemetery merchandise stored by each licensee under
20 this Act which is in storage on the date of the
21 report;

22 (iii) permit the Comptroller or his designee
23 at any time to examine stored merchandise and to
24 examine any documents pertaining thereto;

25 (iv) submit evidence satisfactory to the
26 Comptroller that all merchandise stored by said
27 warehouse for licensees under this Act is insured
28 for casualty or other loss normally assumed by a
29 bailee for hire;

30 (v) demonstrate to the Comptroller that the
31 warehouse has procured and is maintaining a
32 performance bond in the form, content and amount
33 sufficient to unconditionally guarantee to the
34 purchaser or beneficiary the prompt shipment of the

1 cemetery merchandise.

2 (C) "Cemetery merchandise" means items of personal
3 property normally sold by a cemetery authority not covered
4 under the Illinois Funeral or Burial Funds Act, including but
5 not limited to:

- 6 (1) memorials,
- 7 (2) markers,
- 8 (3) monuments,
- 9 (4) foundations, and
- 10 (5) outer burial containers.

11 (D) "Undeveloped interment, entombment or inurnment
12 spaces" or "undeveloped spaces" means any space to be used
13 for the reception of human remains that is not completely and
14 totally constructed at the time of initial payment therefor
15 in a:

- 16 (1) lawn crypt,
- 17 (2) mausoleum,
- 18 (3) garden crypt,
- 19 (4) columbarium, or
- 20 (5) cemetery section.

21 (E) "Cemetery services" means those services customarily
22 performed by cemetery or crematory personnel in connection
23 with the interment, entombment, inurnment or cremation of a
24 dead human body.

25 (F) "Cemetery section" means a grouping of spaces
26 intended to be developed simultaneously for the purpose of
27 interring human remains.

28 (G) "Columbarium" means an arrangement of niches that
29 may be an entire building, a complete room, a series of
30 special indoor alcoves, a bank along a corridor or part of an
31 outdoor garden setting that is constructed of permanent
32 material such as bronze, marble, brick, stone or concrete for
33 the inurnment of human remains.

34 (H) "Lawn crypt" means a permanent underground crypt

1 usually constructed of reinforced concrete or similar
2 material installed in multiple units for the interment of
3 human remains.

4 (I) "Mausoleum" or "garden crypt" means a grouping of
5 spaces constructed of reinforced concrete or similar material
6 constructed or assembled above the ground for entombing human
7 remains.

8 (J) "Memorials, markers and monuments" means the object
9 usually comprised of a permanent material such as granite or
10 bronze used to identify and memorialize the deceased.

11 (K) "Foundations" means those items used to affix or
12 support a memorial or monument to the ground in connection
13 with the installation of a memorial, marker or monument.

14 (L) "Person" means an individual, corporation,
15 partnership, joint venture, business trust, voluntary
16 organization or any other form of entity.

17 (M) "Seller" means any person selling or offering for
18 sale cemetery merchandise, cemetery services or undeveloped
19 spaces on a pre-need basis.

20 (N) "Religious cemetery" means a cemetery owned,
21 operated, controlled or managed by any recognized church,
22 religious society, association or denomination or by any
23 cemetery authority or any corporation administering, or
24 through which is administered, the temporalities of any
25 recognized church, religious society, association or
26 denomination.

27 (O) "Municipal cemetery" means a cemetery owned,
28 operated, controlled or managed by any city, village,
29 incorporated town, township, county or other municipal
30 corporation, political subdivision, or instrumentality
31 thereof authorized by law to own, operate or manage a
32 cemetery.

33 (O-1) "Outer burial container" means a container made of
34 concrete, steel, wood, fiberglass, or similar material, used

1 solely at the interment site, and designed and used
2 exclusively to surround or enclose a separate casket and to
3 support the earth above such casket, commonly known as a
4 burial vault, grave box, or grave liner, but not including a
5 lawn crypt.

6 (P) "Sales price" means the gross amount paid by a
7 purchaser on a pre-need sales contract for cemetery
8 merchandise, cemetery services or undeveloped interment,
9 entombment or inurnment spaces, excluding sales taxes, credit
10 life insurance premiums, finance charges and Cemetery Care
11 Act contributions.

12 (Q) "Foreign warehouse facility" means a warehouse
13 facility now or hereafter located in any state or territory
14 of the United States, including the District of Columbia,
15 other than the State of Illinois.

16 A foreign warehouse facility shall be deemed to have
17 appointed the Comptroller to be its true and lawful attorney
18 upon whom may be served all legal process in any action or
19 proceeding against it relating to or growing out of this Act,
20 and the acceptance of the delivery of stored merchandise
21 under this Act shall be signification of its agreement that
22 any such process against it which is so served, shall be of
23 the same legal force and validity as though served upon it
24 personally.

25 Service of such process shall be made by delivering to
26 and leaving with the Comptroller, or any agent having charge
27 of the Comptroller's Department of Cemetery and Burial
28 Trusts, a copy of such process and such service shall be
29 sufficient service upon such foreign warehouse facility if
30 notice of such service and a copy of the process are, within
31 10 days thereafter, sent by registered mail by the plaintiff
32 to the foreign warehouse facility at its principal office and
33 the plaintiff's affidavit of compliance herewith is appended
34 to the summons. The Comptroller shall keep a record of all

1 process served upon him under this Section and shall record
2 therein the time of such service.

3 (Source: P.A. 91-7, eff. 1-1-2000; 91-357, eff. 7-29-99;
4 revised 8-30-99.)

5 Section 104. The Travel Promotion Consumer Protection
6 Act is amended by changing Section 7 as follows:

7 (815 ILCS 420/7) (from Ch. 121 1/2, par. 1857)

8 Sec. 7. Violation of any of the provisions of this Act
9 is an unlawful practice pursuant to Section 2Z 20 of the
10 "Consumer Fraud and Deceptive Business Practices Act"
11 ~~approved July 24, 1961, as now or hereafter amended.~~ All
12 remedies, penalties and authority granted to the Attorney
13 General by that Act shall be available to the Attorney
14 General him for the enforcement of this Act. In any action
15 brought by the Attorney General to enforce this Act, the
16 court may order that persons who incurred actual damages be
17 awarded the amount at which actual damages are assessed.

18 (Source: P.A. 85-995; revised 3-27-00.)

19 Section 105. The Uniform Deceptive Trade Practices Act
20 is amended by changing Section 2 as follows:

21 (815 ILCS 510/2) (from Ch. 121 1/2, par. 312)

22 Sec. 2. Deceptive trade practices.

23 (a) A person engages in a deceptive trade practice when,
24 in the course of his or her business, vocation, or
25 occupation, the person he:

26 (1) passes off goods or services as those of
27 another;

28 (2) causes likelihood of confusion or of
29 misunderstanding as to the source, sponsorship, approval,
30 or certification of goods or services;

1 (3) causes likelihood of confusion or of
2 misunderstanding as to affiliation, connection, or
3 association with or certification by another;

4 (4) uses deceptive representations or designations
5 of geographic origin in connection with goods or
6 services;

7 (5) represents that goods or services have
8 sponsorship, approval, characteristics, ingredients,
9 uses, benefits, or quantities that they do not have or
10 that a person has a sponsorship, approval, status,
11 affiliation, or connection that he or she does not have;

12 (6) represents that goods are original or new if
13 they are deteriorated, altered, reconditioned, reclaimed,
14 used, or secondhand;

15 (7) represents that goods or services are of a
16 particular standard, quality, or grade or that goods are
17 a particular style or model, if they are of another;

18 (8) disparages the goods, services, or business of
19 another by false or misleading representation of fact;

20 (9) advertises goods or services with intent not to
21 sell them as advertised;

22 (10) advertises goods or services with intent not
23 to supply reasonably expectable public demand, unless the
24 advertisement discloses a limitation of quantity;

25 (11) makes make false or misleading statements of
26 fact concerning the reasons for, existence of, or amounts
27 of price reductions;

28 (12) engages in any other conduct which similarly
29 creates a likelihood of confusion or of misunderstanding.

30 (b) In order to prevail in an action under this Act, a
31 plaintiff need not prove competition between the parties or
32 actual confusion or misunderstanding.

33 (c) This Section does not affect unfair trade practices
34 otherwise actionable at common law or under other statutes of

1 this State.

2 (Source: P.A. 79-1365; revised 2-9-00)

3 Section 106. The Prevailing Wage Act is amended by
4 changing Section 2 as follows:

5 (820 ILCS 130/2) (from Ch. 48, par. 39s-2)

6 (Text of Section before amendment by P.A. 91-935)

7 Sec. 2. This Act applies to the wages of laborers,
8 mechanics and other workers employed in any public works, as
9 hereinafter defined, by any public body and to anyone under
10 contracts for public works.

11 As used in this Act, unless the context indicates
12 otherwise:

13 "Public works" means all fixed works constructed for
14 public use by any public body, other than work done directly
15 by any public utility company, whether or not done under
16 public supervision or direction, or paid for wholly or in
17 part out of public funds. "Public works" as defined herein
18 includes all projects financed in whole or in part with bonds
19 issued under the Industrial Project Revenue Bond Act (Article
20 11, Division 74 of the Illinois Municipal Code), the
21 Industrial Building Revenue Bond Act, the Illinois
22 Development Finance Authority Act, or the Build Illinois Bond
23 Act, and all projects financed in whole or in part with loans
24 or other funds made available pursuant to the Build Illinois
25 Act.

26 "Construction" means all work on public works involving
27 laborers, workers or mechanics.

28 "Locality" means the county where the physical work upon
29 public works is performed, except (1) that if there is not
30 available in the county a sufficient number of competent
31 skilled laborers, workers and mechanics to construct the
32 public works efficiently and properly, "locality" includes

1 any other county nearest the one in which the work or
2 construction is to be performed and from which such persons
3 may be obtained in sufficient numbers to perform the work and
4 (2) that, with respect to contracts for highway work with the
5 Department of Transportation of this State, "locality" may at
6 the discretion of the Secretary of the Department of
7 Transportation be construed to include two or more adjacent
8 counties from which workers may be accessible for work on
9 such construction.

10 "Public body" means the State or any officer, board or
11 commission of the State or any political subdivision or
12 department thereof, or any institution supported in whole or
13 in part by public funds, authorized by law to construct
14 public works or to enter into any contract for the
15 construction of public works, and includes every county,
16 city, town, village, township, school district, irrigation,
17 utility, reclamation improvement or other district and every
18 other political subdivision, district or municipality of the
19 state whether such political subdivision, municipality or
20 district operates under a special charter or not.

21 The terms "general prevailing rate of hourly wages",
22 "general prevailing rate of wages" or "prevailing rate of
23 wages" when used in this Act mean the hourly cash wages plus
24 fringe benefits for training and apprenticeship programs
25 approved by the U.S. Department of Labor, Bureau of
26 Apprenticeship and Training, health and welfare, insurance,
27 vacations and pensions paid generally, in the locality in
28 which the work is being performed, to employees engaged in
29 work of a similar ~~similiar~~ character on public works.

30 (Source: P.A. 91-105, eff. 1-1-00; revised 10-7-99.)

31 (Text of Section after amendment by P.A. 91-935)

32 Sec. 2. This Act applies to the wages of laborers,
33 mechanics and other workers employed in any public works, as
34 hereinafter defined, by any public body and to anyone under

1 contracts for public works.

2 As used in this Act, unless the context indicates
3 otherwise:

4 "Public works" means all fixed works constructed for
5 public use by any public body, other than work done directly
6 by any public utility company, whether or not done under
7 public supervision or direction, or paid for wholly or in
8 part out of public funds. "Public works" as defined herein
9 includes all projects financed in whole or in part with bonds
10 issued under the Industrial Project Revenue Bond Act (Article
11 11, Division 74 of the Illinois Municipal Code), the
12 Industrial Building Revenue Bond Act, the Illinois
13 Development Finance Authority Act, the Illinois Sports
14 Facilities Authority Act, or the Build Illinois Bond Act, and
15 all projects financed in whole or in part with loans or other
16 funds made available pursuant to the Build Illinois Act.

17 "Construction" means all work on public works involving
18 laborers, workers or mechanics.

19 "Locality" means the county where the physical work upon
20 public works is performed, except (1) that if there is not
21 available in the county a sufficient number of competent
22 skilled laborers, workers and mechanics to construct the
23 public works efficiently and properly, "locality" includes
24 any other county nearest the one in which the work or
25 construction is to be performed and from which such persons
26 may be obtained in sufficient numbers to perform the work and
27 (2) that, with respect to contracts for highway work with the
28 Department of Transportation of this State, "locality" may at
29 the discretion of the Secretary of the Department of
30 Transportation be construed to include two or more adjacent
31 counties from which workers may be accessible for work on
32 such construction.

33 "Public body" means the State or any officer, board or
34 commission of the State or any political subdivision or

1 department thereof, or any institution supported in whole or
2 in part by public funds, authorized by law to construct
3 public works or to enter into any contract for the
4 construction of public works, and includes every county,
5 city, town, village, township, school district, irrigation,
6 utility, reclamation improvement or other district and every
7 other political subdivision, district or municipality of the
8 state whether such political subdivision, municipality or
9 district operates under a special charter or not.

10 The terms "general prevailing rate of hourly wages",
11 "general prevailing rate of wages" or "prevailing rate of
12 wages" when used in this Act mean the hourly cash wages plus
13 fringe benefits for training and apprenticeship programs
14 approved by the U.S. Department of Labor, Bureau of
15 Apprenticeship and Training, health and welfare, insurance,
16 vacations and pensions paid generally, in the locality in
17 which the work is being performed, to employees engaged in
18 work of a similar character on public works.

19 (Source: P.A. 91-105, eff. 1-1-00; 91-935, eff. 6-1-01.)

20 Section 996. No acceleration or delay. Where this Act
21 makes changes in a statute that is represented in this Act by
22 text that is not yet or no longer in effect (for example, a
23 Section represented by multiple versions), the use of that
24 text does not accelerate or delay the taking effect of (i)
25 the changes made by this Act or (ii) provisions derived from
26 any other Public Act.

27 Section 997. No revival or extension. This Act does not
28 revive or extend any Section or Act otherwise repealed.

29 Section 999. Effective date. This Act takes effect upon
30 becoming law.

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